

1           IN THE UNITED STATES DISTRICT COURT  
2           NORTHERN DISTRICT OF ILLINOIS  
3           EASTERN DIVISION  
4           AMERICAN CENTER FOR EXCELLENCE )  
5           IN SURGICAL ASSISTING INC.,         )  
6           Plaintiff,                                 )  
7           - vs-   ) No. 1:15-CV-07290  
8           COMMUNITY COLLEGE DISTRICT 502, )  
9           COLLEGE OF DUPAGE, DR. THOMAS )  
10          CAMERON, DR. KAREN M. SOLT,         )  
11          and DR. KATHY CABAI,                     )  
12          Defendants.                                 )

13          The deposition of DANIEL BUMP called for  
14 examination pursuant to Notice and the Rules of  
15 Civil Procedure for the United States District  
16 Courts pertaining to the taking of depositions,  
17 taken before Gina Callahan, a notary public  
18 within and for the County of Iroquois and State  
19 of Illinois, at 180 North Stetson Avenue, Suite  
20 3700, Chicago, Illinois, on the 4th day of  
21 April, 2017, at the hour of 9:00 a.m.



1 APPEARANCES:

2 DLG LAW GROUP, by  
3 MR. MICHAEL J. DAVIS  
4 2777 Finley Road, Suite 12  
5 Downers Grove, Illinois 60212  
6 (720) - 361-6036  
7 mdavis@dlgaw.net

8 Representing the Plaintiff;

9  
10 SCHUYLER, ROCHE & CRISHAM, P.C., by  
11 MR. MICHAEL T. ROCHE  
12 180 North Stetson Avenue, Suite 3700  
13 Chicago, Illinois 60601  
14 (312) 565-8333  
15 mtroche@SRCattorneys.com

16 Representing the Defendants;

17  
18 ALSO PRESENT:

19 Mr. John Kness, General Counsel, College  
20 of DuPage.



## 1 I N D E X

2 WI TNESS

EXAMI NATI ON

3 DANI EL BUMP

4 By Mr. Roche

4

## 5 E X H I B I T S

6 NUMBER

MARKED FOR ID

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18 (EXHIBITS RETAINED BY COUNSEL.)

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1                   MR. ROCHE: Let the record reflect that  
2 this is the discovery deposition of Dan Bump in  
3 his individual capacity taken pursuant to due  
4 notice under the applicable Federal Rules of  
5 Civil Procedure.

6                   Mr. Bump, could you please state your  
7 name and spell it for the record?

8                   (Whereupon, the witness was duly  
9 sworn.)

10                  DANIEL BUMP,  
11 having been first duly sworn, was examined and  
12 testified as follows:

13                  EXAMINATION

14 BY MR. ROCHE:

15 Q. Have you ever been deposed before,  
16 Mr. Bump?

17 A. A long time ago. Once.

18 Q. Okay. You have been deposed before?

19 A. It was in a malpractice suit for a  
20 doctor I was working for. I was deposed as a  
21 witness.

22 Q. Do you remember approximately what year  
23 that was?

24 A. I would -- it would be a guess. It was



1 somewhere in the 90s.

2 Q. Okay. Well, just to refresh your  
3 recollection about depositions, the court  
4 reporter, if you could just, you know, answer  
5 the questions verbally and nods and shakes of  
6 the head and that type of stuff, if you could  
7 please avoid that, I'd appreciate it so the  
8 court reporter could take down an accurate  
9 recitation of your testimony today. The other  
10 thing is if you don't understand my question,  
11 please tell me.

12 A. Okay.

13 Q. I will be asking you, obviously, a  
14 series of questions. And if some of the  
15 questions are incomprehensible or you simply  
16 don't understand, please just let me know;  
17 otherwise, I will assume you do understand the  
18 question.

19 A. Okay.

20 Q. Is that okay?

21 A. Uh-huh.

22 Q. All right. What is your home address,  
23 Mr. Bump?

24 A. 8592 East Oxford Drive, Denver,



1 Colorado.

2 Q. And your date of birth?

3 A. 6/4/55.

4 Q. Are you married?

5 A. Yes.

6 Q. Do you have children?

7 A. Yes.

8 Q. How many?

9 A. Two of my own and three stepkids.

10 Q. What is your highest level of formal  
11 education, Mr. Bump?

12 A. High school and military training.

13 Q. Did you ever attend a secondary  
14 institution?

15 A. No.

16 Q. Did you go into the military after high  
17 school?

18 A. Yes.

19 Q. And which branch of the military did  
20 you enter?

21 A. Navy.

22 Q. Navy.

23 What year was that approximately,  
24 Mr. Bump?



1 A. 73.

2 Q. In the medical field, can you just  
3 describe for me your professional -- have you  
4 obtained any professional certifications in the  
5 medical field, Mr. Bump?

6 A. I'm certified as a tech; and I have two  
7 certification as surgical assistant, as a  
8 surgical tech. I don't remember if I said that  
9 or not.

10 Q. Is that what is called a CST?

11 A. Yes.

12 Q. And you mentioned you had two  
13 certifications in the surgical assistant --

14 A. Correct.

15 Q. -- field.

16 And what are those two?

17 A. CSFA and SA-C.

18 Q. What does CSFA stand for?

19 A. Certified surgical first assistant.

20 Q. And how did you obtain that  
21 certification?

22 A. It's an exam that's offered by the  
23 NBSTSA.

24 Q. And what is the NBSTSA?



1           A. I was hoping you weren't going to ask  
2 that one. National Board of Surgical Techs and  
3 Surgical Assistants.

4           Q. When did you obtain the certification  
5 as a CSFA?

6           A. That was back in 1990, I think.

7           Q. Did you have to take any -- strike  
8 that.

9           To become a CSFA, did you have to do  
10 anything else other than take the exam that was  
11 offered by the NBSTSA?

12          A. You had to demonstrate some experience  
13 as a surgical assistant. I did have some  
14 training as a surgical assistant. I was offered  
15 by a company that I joined who offered surgical  
16 assisting services in the Denver metro area. So  
17 they had a training program that's kind of like  
18 an apprenticeship-type program.

19          Q. How about an SA-C, what does that stand  
20 for?

21          A. Surgical assistant certified.

22          Q. How do you become an SA-C?

23          A. You have to take an exam.

24          Q. Who is that exam administered by?



1           A.     The American Board of Surgical  
2 Assistants. ABSA.

3           Q.     And did you have to engage in any other  
4 activities aside from simply taking the exam to  
5 become an SA-C?

6           A.     Not at that time.

7           Q.     All you had to do was take an exam?

8           A.     Well, I had to prove that I had  
9 experience working in the surgical assistant  
10 field, and they were also accepting the CSFA as  
11 part of the credentials that they accepted.

12          Q.     Okay. I may have asked this earlier.

13           When did you become an SA-C?

14           Approximately what year?

15          A.     That was maybe five years ago.

16           Something like that. It hasn't been that long.

17          Q.     Do you have any other professional  
18 certifications in the medical field?

19          A.     No.

20          Q.     Have you ever been convicted of any  
21 crime other than a misdemeanor or a traffic  
22 offense?

23          A.     No.

24          Q.     Are you presently taking any



1       medications that could affect your ability to  
2       testify truthfully and accurately today?

3           A.     No.

4           Q.     You mentioned a few minutes ago that  
5       you had been deposed as a witness in a  
6       malpractice action?

7           A.     Uh-huh.

8           Q.     Have you ever -- aside from that, have  
9       you ever been a party to a lawsuit?

10          A.     No.

11          Q.     Aside from this present action ACE  
12       brought against the College of DuPage and the  
13       other defendants, are you aware if ACE has ever  
14       been a party to a lawsuit?

15          A.     No.

16          Q.     Let's discuss the steps you took to  
17       prepare for today's deposition, Mr. Bump. Did  
18       you meet with counsel?

19          A.     Yes.

20          Q.     Okay. I don't want to know any of  
21       those discussions or communications. But aside  
22       from your counsel or any instances where your  
23       counsel was not present, did you meet with  
24       anyone else who is affiliated with ACE?



1 A. No.

2 Q. You did not discuss today's

3 deposition -- well, strike that.

4 Did you discuss today's deposition with  
5 Keith Bump?

6 A. Not in any -- not to any depth at all.

7 Q. You did discuss your testimony with  
8 Keith Bump?

9 A. I might have had a five-minute  
10 conversation on the phone.

11 Q. Do you recall what was discussed?

12 A. But not -- no details. He's just  
13 wondering if there is any way he could help me  
14 out or we needed to have a meeting, and we  
15 didn't, though.

16 Q. Did you discuss your testimony today  
17 with Tabitha Bump?

18 A. No.

19 Q. Who is Tabitha Bump?

20 A. She is my daughter.

21 Q. Okay. How about Maggie Parrish, did  
22 you discuss today's deposition testimony with  
23 Maggie?

24 A. No.



1 Q. Sorry. The court reporter can't get  
2 it.

3 Let's look at our first exhibit.

4 (Whereupon, Bump Deposition  
5 Exhibit No. 1 was marked for  
6 identification.)

7 BY MR. ROCHE:

8 Q. Showing you what has been marked as  
9 your deposition Exhibit No. 1, it is a Complaint  
10 that was filed in this action, Mr. Bump.

11 Did you review the Complaint in  
12 connection with preparing for today's  
13 deposition?

14 A. It's been a while since I looked at  
15 this.

16 Q. Did you review it in preparation for  
17 today's deposition?

18 A. The thing that I reviewed mostly in  
19 preparation for today's deposition was a  
20 document that was sent to me by my lawyer that  
21 outlined the things we'd be talking about.

22 Q. Do you know if that -- strike that.

23 So I understand it correctly, you did  
24 not review this Complaint in connection with



1 today's deposition?

2 A. Not this particular document.

3 Q. Okay.

4 A. That I'm aware of. Let me check.

5 Q. Sure. Of course.

6 A. No.

7 Q. Did you review the Complaint, Mr. Bump,  
8 before it was filed in August of 2015?

9 A. I can't testify that this is the  
10 particular document I looked at. I was made  
11 aware of what was filed.

12 Q. Did you review -- do you recall? I'm  
13 just simply asking.

14 A. Uh-huh.

15 Q. If you recall reviewing a document  
16 styled Complaint that was filed in this action?

17 A. Yes.

18 Q. Okay. Do you recall if Keith Bump  
19 reviewed the Complaint in this case before it  
20 was filed?

21 A. I'm nearly certain he did. He lives in  
22 Virginia, I live in Denver. So I wasn't like  
23 over the shoulder, looking at his review of the  
24 document.



1 Q. I understand.

2 A. But I'm fairly sure he saw everything I

3 saw.

4 Q. The document that you reviewed before  
5 the Complaint was filed in this action, do you  
6 recall if you approved what was asserted in that  
7 document?

8 A. Sure. Yes.

9 Q. Do you recall reviewing -- and please  
10 take your time to review the exhibits. There is  
11 several exhibits to this. But my question,  
12 simply, Mr. Bump, is: Do you recall reviewing  
13 the documents appended as the exhibits to this  
14 Complaint before it was filed in this action?

15 A. Are these mostly just email exhibits?

16 MR. DAVIS: You're supposed to answer  
17 the question, not ask it. So could you repeat  
18 the question?

19 (Whereupon, the record was read  
20 as requested.)

21 THE WITNESS: The answer is there wasn't  
22 anything in there I didn't -- that I would  
23 refute having seen; but I don't recall what time  
24 frame because I've seen all of these exhibits



1 over periods of time.

2 BY MR. ROCHE:

3 Q. Okay. Let's talk about email  
4 communications, Mr. Bump. And this is -- the  
5 context of this line of questioning again is  
6 what did you, you know, did you review emails in  
7 connection with preparing for today's  
8 deposition. So my question simply is: Did you  
9 review any email communications in preparing for  
10 today's deposition?

11 A. I'm not sure I understand the question.  
12 In other words, did I -- is there a time frame  
13 relatively close to here where I reviewed all  
14 the email, all the e-mails related to this? And  
15 the answer would be I didn't have like a set  
16 time that I sat down and reviewed all the  
17 e-mails for this Complaint, but I'm familiar  
18 with them over time.

19 Q. Are you aware, Mr. Bump, that in  
20 connection with this litigation, the defendants,  
21 which I'll refer to as the College of DuPage,  
22 have produced email communications between the  
23 college and representatives of ACE?

24 A. I'm familiar with that, yes.



1 Q. Do you recall if you've reviewed those  
2 email communications?

3 A. Not in the recent time. Maybe.

4 Q. And that's --

5 A. A month or so.

6 Q. Okay.

7 A. I looked at them.

8 Q. Are you aware, Mr. Bump, that ACE has  
9 produced email communications between ACE  
10 representatives and College of DuPage  
11 representatives?

12 A. Yes.

13 Q. Have you reviewed those communications  
14 since this lawsuit has been instituted?

15 A. Yes.

16 Q. You're familiar with a company by the  
17 name of your extra -- Your Extra Hands Surgical  
18 Services?

19 A. Yes.

20 Q. Are you aware that Your Extra Hands  
21 Surgical Services have produced email  
22 communications in connection with this  
23 litigation?

24 A. I understand that they were subpoenaed



1 for. I didn't see any of their e-mails.

2 Q. You have not reviewed them?

3 A. No.

4 Q. Okay. Have you reviewed, Mr. Bump,  
5 what ACE is claiming are its trade secrets in  
6 this litigation in connection with preparing for  
7 today's deposition?

8 A. Yes.

9 Q. All right. Have you reviewed  
10 documents, Mr. Bump, relating to ACE's damages  
11 claim in connection with today's deposition?

12 A. Have I reviewed documents related to  
13 it? The specific damages?

14 Q. Yes.

15 A. Only in documents like this that were  
16 produced to me.

17 Q. Have you reviewed any financial  
18 documents?

19 A. I produced the financial documents.

20 Q. Okay. The ACE financial documents?

21 A. Yes.

22 Q. All right. Have you brought any  
23 documents with you this morning for your  
24 deposition, Mr. Bump?



1 A. Do you have any?

2 MR. DAVIS: No.

3 THE WITNESS: No.

4 BY MR. ROCHE:

5 Q. Have you reviewed -- to the best of  
6 your knowledge, have you reviewed any documents  
7 that relate to the claims in this case that have  
8 not been produced?

9 A. No.

10 Q. What other efforts, Mr. Bump, have you  
11 engaged in, in connection with preparing for  
12 your deposition today?

13 A. None other than that.

14 Q. Okay. As we've discussed a few minutes  
15 ago, at least with respect to the email  
16 communications, are you aware, Mr. Bump, that  
17 ACE has produced approximately a thousand pages  
18 in this case?

19 A. I didn't count the pages, but that  
20 wouldn't surprise me.

21 Q. Who at ACE, if you know, was  
22 responsible for assembling those documents and  
23 ultimately producing them?

24 A. A big part of that work was done by



Maggie Parrish, in cooperation with Keith Bump.

Q. Did you play any role, Mr. Bump, in connection with retrieving the documents that have been produced in this case?

A. Only to the extent that documents came from my own email.

Q. And how did you go about that process?

A. I have a file that contained all the e-mails related to COD, and I did a search on top of that.

Q. A search in your general email?

A. Uh- huh.

## Q. Mail box?

A. Yes.

Q. Okay.

(Whereupon, Bump Deposition  
Exhibit No. 2 was marked for  
identification.)

BY MR. ROCHE:

Q. Mr. Bump, are you aware that the parties in this litigation have agreed on the retrieval process or protocol for e-mails in this matter?

A. Yes.



1 Q. Okay. The document I marked as Exhibit  
2 memorializes the agreed upon search  
3 process for the e-mails. My question simply is:  
4 Did you conduct your email search according to  
5 what's outlined in that exhibit? Take your time  
6 to read it.

7 A. If it is the same as the document that  
8 I received, then I did. I think, though, that  
9 there was also a request to search personal  
10 e-mails, and I do have a personal email that I  
11 never use. I just got it in relationship to my  
12 phone to have an account with the phone company,  
13 basically, but I never use it for any reason.

14 Q. So there are no email communications  
15 between ACE or the College of DuPage on your  
16 personal email account?

17 A. No, no.

18 Q. Did you, Mr. Bump, in 2014 -- excuse  
19 me, 2013 and 2014, did you have access to ACE  
20 employees' email accounts?

21 A. I never accessed it, but I would have  
22 had access to it.

23 Q. Okay. Let's go over another exhibit.  
24



1 (Whereupon, Bump Deposition  
2 Exhibit No. 3 was marked for  
3 identification.)

4 BY MR. ROCHE:

5 Q. I will show you what's been marked as  
6 Exhibit No. 3.

7 Have you ever seen this document  
8 before, Mr. Bump?

9 A. I don't recall this specific document.

10 MR. ROCHE: Can we go off the record for  
11 a second?

12 (Whereupon, a discussion was had  
13 off the record.)

14 (Whereupon, a short break was  
15 taken.)

16 MR. ROCHE: Do you mind reading back  
17 the last Q and A?

18 (Whereupon, the record was read  
19 as requested.)

20 BY MR. ROCHE:

21 Q. If you could turn to the last page of  
22 Exhibit 3, Mr. Bump.

23 A. Is that the one you just gave us?

24 Q. Yes.



1                   To the best of your knowledge, is that  
2 Keith Bump's signature?

3                   A. It appears to be.

4                   Q. Keith is your brother, right, Mr. Bump?

5                   A. Yes.

6                   Q. Okay. Older or younger?

7                   A. Younger.

8                   Q. And it indicates his position is VP of  
9 sales and marketing. Do you see that?

10                  A. Yes.

11                  Q. Was that Mr. Bump -- Keith Bump's  
12 position with ACE in 2013?

13                  A. Yes.

14                  Q. How about 2014, was --

15                  A. Since the time he was employed.

16                  Q. And when did Keith first become  
17 employed with ACE?

18                  A. I don't remember the date.

19                  Q. Do you remember the year?

20                  A. I know he's been with us probably about  
21 four or five years.

22                  Q. Okay. Do you have any reason to  
23 believe, Mr. Bump, that Keith, when he signed  
24 this verification, was not authorized by ACE to



1 sign it?

2 A. He was authorized.

3 Q. Did you authorize him?

4 A. Yes.

5 Q. Okay. I believe you testified you do  
6 not recall the specific document, but if you  
7 could go through it, Mr. Bump, right now, and  
8 take a look at both the questions and the  
9 answers. And my question simply will be: Do  
10 you agree with the answers that ACE provided?

11 A. Okay. I agree.

12 Q. Okay. I direct your attention to  
13 Interrogatory No. 2.

14 A. Oh, on this? Okay.

15 Q. If you look at the answer in bold, the  
16 last line states, "representatives from  
17 Blackboard will provide in the course of further  
18 discovery." Do you see that?

19 A. Yes.

20 Q. Do you know if those names have been  
21 provided, Mr. Bump?

22 A. People at Blackboard?

23 Q. Yes.

24 A. No, I don't know if that's been



1 provided or not. All there were with Blackboard  
2 was just phone conversations in preparation for  
3 moving forward.

4 Q. Okay. Do you recall who you had the  
5 phone -- well --

6 A. I didn't have any conversations. That  
7 is Keith and Kyle. Keith and Kyle.

8 Q. Did you have any communications with  
9 representatives of Blackboard?

10 A. No. Our company did, I didn't.

11 Q. Do you know if there were any email  
12 communications between representatives of ACE  
13 and Blackboard?

14 A. Not that I've seen. My understanding  
15 is the only phone communications were made up to  
16 that point.

17 Q. Okay. And you did not participate --

18 A. No.

19 Q. -- in any of those phone conversations.

20 Do you know, Mr. Bump, whether ACE paid  
21 any sums of money to Blackboard in connection  
22 with --

23 A. We did not.

24 Q. You did not. Okay.



1 I direct your attention now to  
2 Interrogatory No. 4. Do you see that, Mr. Bump?

3 A. Yes.

4 Q. It asks for ACE to identify all the  
5 documents or other materials ACE provided to COD  
6 that it believes constituted trade secrets. Do  
7 you see that?

8 A. Uh-huh.

9 Q. And the first response is self-study  
10 and all included documents. I just want to mark  
11 some exhibits to make sure we're all on the same  
12 page.

13 (Whereupon, Bump Deposition  
14 Exhibit No. 4 was marked for  
15 identification.)

16 MR. DAVIS: This is Exhibit 4?

17 MR. ROCHE: Exhibit 4.

18 BY MR. ROCHE:

19 Q. My question, Mr. Bump, simply, is: Is  
20 this a self study-what has been marked as  
21 Exhibit 4, is this a self-study that was  
22 identified in ACE's answer to Interrogatory  
23 No. 4?

24 A. Yes.



1 Q. Can you identify by Bates label ACE's  
2 self-study for the record, Mr. Bump?

3 A. By? What do you mean Bates label?

4 Q. If you turn to the third page on that,  
5 you see at the bottom right there?

6 A. Uh-huh.

7 Q. ACE 1107. Do you see that?

8 A. Those look -- no, I'm not familiar with  
9 the Bates label. This?

10 MR. DAVIS: Well, that was placed there  
11 by you, right? Or no, it was placed there by  
12 us. Okay. Right. Okay.

13 BY MR. ROCHE:

14 Q. Can you identify --

15 A. I didn't.

16 Q. Mr. Bump, that's called a Bates label.

17 A. Uh-huh.

18 Q. And all I'm trying to ask you is can  
19 you identify the self-study, ACE's self-study by  
20 Bates label beginning with the first Bates label  
21 and then ending with the last Bates label?

22 A. And this is a marking that we put on  
23 there?

24 Q. Correct.



1 A. Or my attorney put on there.

2 MR. DAVIS: Correct.

3 THE WITNESS: I never saw the document  
4 with its Bates label on it.

5 BY MR. ROCHE:

6 Q. But this is the ACE self-study?

7 A. This is the ACE self-study, yes.

8 Q. That is the ACE self-study that ACE is  
9 claiming in this litigation was an ACE trade  
10 secret?

11 A. Yes.

12 Q. All right. Your next answer in  
13 Interrogatory No. 4 is curriculum consisting of  
14 master syllabi, catalog, SA program and  
15 textbooks. Do you see that, Mr. Bump?

16 A. Yes.

17 (Whereupon, Bump Deposition  
18 Exhibit No. 5 was marked for  
19 identification.)

20 BY MR. ROCHE:

21 Q. What is the exhibit number on that?

22 THE REPORTER: 5.

23 MR. ROCHE: 5. Thanks.



1 BY MR. ROCHE:

2 Q. My question, Mr. Bump, is, simply, is  
3 that the curriculum which consists of the master  
4 syllabi, catalog, SA program that you identified  
5 or ACE has identified as a trade secret?

6 A. Catalog and master curriculum is what  
7 we're claiming, yes.

8 Q. And that document, Exhibit 5, is ACE's  
9 trade secret?

10 A. That is correct.

11 Q. All right. Textbooks. Are you aware  
12 if ACE has produced any of the textbooks that it  
13 is claiming as a trade secret in this case?

14 A. Produced to your office?

15 Q. Produced to, yes, defendants.

16 MR. DAVIS: Let's go off the record.

17 MR. ROCHE: Sure.

18 (Whereupon, a discussion was had  
19 off the record.)

20 THE WITNESS: Can you reread the  
21 question?

22 BY MR. ROCHE:

23 Q. Are you aware if ACE has produced the  
24 textbooks that it claims constitute its trade



1 secrets in this case?

2 A. We have not.

3 Q. Okay. What textbooks are -- is ACE  
4 referring to in this answer?

5 A. It's an anatomy textbook on Moore's  
6 Anatomy. It is a current surgical treatment and  
7 diagnosis.

8 Q. Who is the author of that book? Is  
9 there an author?

10 A. Doherty is his last name. I'm not  
11 familiar with his entire name. And Surgical  
12 Technology for the Surgical Technologist.

13 Q. Who is the author of that publication?

14 A. There is several. I'm familiar with  
15 one of them, so I'll give you his name. Kevin  
16 Frye.

17 Q. Any other textbooks that ACE is  
18 claiming constitute its trade secrets?

19 A. We have an online textbook.

20 Q. What is that called?

21 A. ACE Workbook.

22 Q. And who is the author of the ACE  
23 Workbook?

24 A. I am. Well, I'm the editor of it.



1 There are multiple authors.

2 Q. Who are the multiple authors?

3 A. We took, basically, reports that  
4 students wrote and compiled them, put them into  
5 a textbook format. So we took the best papers  
6 that were available.

7 Q. What do you mean by best papers that  
8 were available?

9 A. As part of the program, students are  
10 required to write a report on a specific  
11 subject. The outstanding ones were compiled  
12 with the permission of the student and put in  
13 textbook form for an online textbook form for  
14 the use of our future students.

15 Q. Did the students who approved the  
16 publication of their reports receive any  
17 monetary compensation?

18 A. No. And we don't charge for it,  
19 either.

20 Q. Don't charge for what?

21 A. That workbook. It is just part of the  
22 curriculum.

23 Q. It is part of the ACE surgical  
24 assistant program?



1 A. But no charge for it. Yes.

2 Q. Did the students whose outstanding  
3 reports were published in connection with the  
4 ACE textbook -- I'm sorry, ACE Workbook receive  
5 any licensing rights or copyrights?

6 A. No. They signed over the copyrights to  
7 us.

8 Q. Let's go back to the first textbook by  
9 Doherty, Current Surgical Treatment and  
10 Diagnosis. Does ACE have any licensing rights  
11 in that textbook?

12 A. No.

13 Q. Does ACE have any copyright?

14 A. No.

15 Q. To the information in that textbook?

16 A. No.

17 Q. Does ACE have any other -- well, strike  
18 that.

19 Was ACE a contributing editor to that  
20 textbook?

21 A. No.

22 Q. Did you contribute at all individually,  
23 based on your experience in surgical tech, to  
24 the information contained in the Doherty



1 textbook?

2 A. No.

3 Q. Why then do you claim that this is a  
4 trade secret of ACE?

5 A. We don't claim that the textbook in  
6 itself is a trade secret. Our compilation of  
7 the different reading materials in there, as it  
8 contributes to the specific subject under  
9 discussion, the way we compiled that is our  
10 trade secret.

11 Q. How about the second textbook that you  
12 identified, the one in which Frye is the author?  
13 Surgical Tech for the Surgical Technologist,  
14 does ACE have any licensing rights to that  
15 textbook?

16 A. No.

17 Q. Does ACE have any copyright interest in  
18 that textbook?

19 A. No.

20 Q. Was ACE a contributing author to that  
21 textbook?

22 A. No.

23 Q. Was ACE a contributing editor to that  
24 textbook?



1 A. No.

2 Q. Did ACE have any sort of legal interest  
3 whatsoever in the Frye textbook?

4 A. No.

5 Q. You personally, did you contribute at  
6 all to the information contained in the Frye  
7 textbook?

8 A. No.

9 Q. So why does ACE consider the Frye  
10 textbook to be a trade secret of ACE?

11 A. It is how we utilize the material in  
12 order to create an approved program.

13 Q. Are you aware, Mr. Bump, if the Doherty  
14 and Frye textbooks were ever given to any  
15 representative of the College of DuPage?

16 A. Yes, they were.

17 Q. When were they given, if you recall?

18 A. They were given pretty -- like in the  
19 middle of our whole process. I don't know the  
20 dates.

21 Q. Do you know to whom they were given to?

22 A. They were given to Kyle Black, and he  
23 was to deliver them, I believe, to Kathy Cabai.

24 Q. And who is Kyle Black?



1           A. He's a representative of Your Extra  
2 Hands Surgical Services.

3           Q. And did Your Extra Hands Surgical  
4 Services have any type of legal relationship  
5 with ACE at the time that ACE gave --

6           A. Not related. I'm sorry.

7           Q. Let me finish the question. At the  
8 time ACE gave these textbooks to Mr. Black?

9           A. We didn't have a contractual  
10 relationship relating to the College of DuPage.  
11 We had one, a training relationship with them.

12          Q. Okay. What do you mean by training  
13 relationship?

14          A. So from time to time, they would send  
15 some of their employees for training at our  
16 facility. And also, they had a service they  
17 called insourcing which was a unique way of  
18 providing surgical assistant services to  
19 hospitals. We had a contract with them. If we  
20 were to interact with any healthcare facilities  
21 that might be able to take advantage of that,  
22 then we would -- then we would get a portion of  
23 that, the receipts from that relationship.

24          Q. Okay. We'll get into that a little bit



1 later. Let's move on back to the trade secrets.

2 (Whereupon, Bump Deposition  
3 Exhibit No. 6 was marked for  
4 identification.)

5 BY MR. ROCHE:

6 Q. I will show you what's been marked as  
7 Exhibit No. 6 to your deposition, Mr. Bump.

8 Can you describe this document for me?

9 A. This is a discussion of Kathy needed to  
10 provide a budget for this service. And so a  
11 document was sent to her, basically, with, you  
12 know, what things were expected to cost to put  
13 on the lab, and also, the fee that ACE would be  
14 requiring as part of that relationship.

15 Q. Okay. If you could turn to the second  
16 page, the top says lab budget items for COD. Do  
17 you see that?

18 A. Yes.

19 Q. Is this the subject -- if you look at  
20 your ACE's interrogatory answer, specifically to  
21 number 4. If you could go back to that just for  
22 a second, Mr. Bump.

23 A. Okay.

24 Q. The third line says, budgetary



1 information?

2 A. Uh-huh.

3 Q. Was a trade secret of ACE. My question  
4 is: Is that what is in front of you as Exhibit  
5 6, is that the budgetary information that ACE is  
6 claiming constitutes its trade secret?

7 A. Yes. It was basically a document that  
8 was put together to help her decide what her  
9 facility's budgets is going to be. So these are  
10 a list of materials. We didn't provide prices  
11 or anything like that. But it gave them  
12 information on how they would move forward to  
13 purchase all the things that would be necessary  
14 for them to purchase under the terms of our  
15 agreement.

16 Q. Is that the -- what is identified as  
17 Exhibit 6, is that the budgetary information  
18 that is identified as an ACE trade secret?

19 A. Yes.

20 Q. Okay. Is there any other budgetary  
21 information going back again to ACE's  
22 interrogatory answer, aside from what has been  
23 identified as Exhibit 6?

24 A. I don't recall us providing anything



1 else besides this.

2 Q. Okay. Let's go back, last question, on  
3 Interrogatory No. 4, Mr. Bump.

4 The last one is a Denver surgical skill  
5 lab. Why does -- why do you believe that this  
6 was a trade secret of ACE's?

7 A. Why do I believe the lab is a trade  
8 secret?

9 Q. Yes.

10 A. Because it's unique to us and not only  
11 in what we cover, but how we teach it, the  
12 teaching methods, what's covered, and the actual  
13 performance of the lab itself is unique to us.

14 As part of our contract, we had Kathy attend the  
15 full six-day lab because she was going to be the  
16 one that was teaching it in relationship to our  
17 consortium.

18 And I actually had laid out to her on  
19 the phone, or I can't remember how we actually  
20 communicated this to her, but what our plan was  
21 for getting her up to speed on being able to  
22 teach the lab. Part of it was to just attend  
23 one, see how that goes.

24 And in the performance, in her



1 performance there, she exhibited a fairly astute  
2 understanding, more so than the other students  
3 who were there, of what we were teaching. So  
4 she had a grasp of it.

5 I actually made a comment to her at  
6 that point that it doesn't look like we're going  
7 to have to go through this entire range of what  
8 I had planned for us. In fact, in my mind, I  
9 was thinking probably, you know, spending maybe  
10 a week with her or so, just to go over some of  
11 the highlights, how to teach the lab and stuff  
12 like that, what the -- almost like what the  
13 script would be. And then just attend while she  
14 was teaching a class or two would be probably  
15 the full limit of what we would have to do in  
16 order for her to get up to speed on that lab and  
17 for her to teach it the way that we would want  
18 her to teach it.

19 Q. We'll discuss the skill lab that Kathy  
20 attended in July of 2013 a little bit later in  
21 your deposition. I just want to go back and ask  
22 you another question about Interrogatory Answer  
23 No. 4.

24 A. Uh-huh.



1 Q. Is there any other information that's  
2 not identified in this answer that as you sit  
3 here today you believe constituted an ACE trade  
4 secret that was provided to the College of  
5 DuPage?

6 A. I can't think of anything else.

7 Q. Okay. Interrogatory No. 5, do you see  
8 that that one asks ACE to identify all documents  
9 or other materials ACE provided to COD that it  
10 believes was proprietary to ACE. And do you see  
11 the answer being the same as above?

12 A. Right.

13 Q. My question simply is: As you sit here  
14 now, can you think of any other documents or  
15 other materials that ACE gave COD that it  
16 believes was proprietary to ACE other than what  
17 is identified in your answer or ACE's answer to  
18 Interrogatory No. 4?

19 A. The only other thing that I can think  
20 of but I don't know to the extent that this was  
21 done or not, just from memory, was access to our  
22 website of the training portion of our website.  
23 I can't recall if -- I don't believe it was, but  
24 I don't know if when she was here, if she sat



1 down with anybody and was able to peruse the  
2 backside of our website, how we deal with our  
3 students on the website.

4 I just know that at some point they  
5 were saying they didn't want to use our website.  
6 I don't know if that was just because they  
7 preferred theirs or they saw ours and they  
8 preferred theirs as a result of seeing ours. I  
9 can't answer it with absolute certainty whether  
10 they saw it or not.

11 Q. Do you know --

12 A. But if they did, I would add that to  
13 that.

14 Q. Okay. Do you know if they -- if anyone  
15 at COD was ever granted access by ACE to the ACE  
16 website?

17 A. I don't specifically recall that.

18 Q. Do you know if anyone else at ACE would  
19 have a specific recollection as to whether COD  
20 representatives had access to ACE's website?

21 A. Keith or Maggie Parrish, if it  
22 happened, they would probably have a better read  
23 on that than I did.

24 Q. And by website, I'm referring to



1 si gni ng i n.

2 A. Yeah. Si gn i n. You cou l d ei ther gai n  
3 access to how students see the website, like if  
4 we gave you access as a student, they woul d get  
5 that, or if you needed to see what happens on  
6 the admi ni strator's si de, how we log i n specifi c  
7 thi ngs that students have done, how papers are  
8 graded, for instance, you know, that ki nd of  
9 thi ng. I thi nk it was well described to them.  
10 I just don't recall if they were actuall y abl e  
11 to see it themsel ves.

12 Q. Keith or Maggie may have knowl edge as  
13 to whether or not --

14 A. If i t happened.

15 Q. -- COD representatives had access to  
16 both how students see the website?

17 A. Yeah.

18 Q. And how the website is admi ni strated?

19 A. If i t happened.

20 Q. If i t happened. Okay.

21 A. My answer was strictly related to if  
22 that happened, we woul d assume that woul d be  
23 part of our allegation, as well. But I 'm  
24 assumi ng i t di dn't happen, basi call y, because i t



1 is not in the list.

2 Q. Okay. Moving on to number 6.

3 A. Uh-huh.

4 Q. ACE's answer to Interrogatory No. 6.

5 Do you see that?

6 A. I would say the same as above.

7 Q. Is there any other -- as you sit here  
8 right now, Mr. Bump, are there any other  
9 documents or other materials that ACE believes  
10 COD is using that was information, materials  
11 that was provided by ACE to COD?

12 A. No.

13 Q. Okay. Interrogatory No. 7 asks ACE to  
14 identify the date of the contract between ACE  
15 and COD. Do you see that?

16 A. I do.

17 Q. And do you see ACE's answer is December  
18 9, 2013?

19 A. I see it, yes.

20 Q. And is that the -- do you have any  
21 reason to believe that the date of the contract  
22 between ACE and COD was not December 9, 2013?

23 A. No.

24 Q. Okay. Great.



1 (Whereupon, Bump Deposition  
2 Exhibit No. 7 was marked for  
3 identification.)

4 BY MR. ROCHE:

5 Q. Mr. Bump, I show you what's been marked  
6 as Exhibit No. 7. Have you seen this document  
7 before?

8 A. Yes.

9 Q. Do you recall reviewing the answers to  
10 that document?

11 A. I believe I do. Yes.

12 Q. Did you approve those answers?

13 A. Yes.

14 Q. Okay. Let's discuss the corporate  
15 structure of ACE.

16 ACE was -- what year was ACE  
17 incorporated in?

18 A. In September, I believe, of 2002.

19 Q. In 2013, who was -- who were the owners  
20 of ACE?

21 A. Just me.

22 Q. You were 100 percent shareholder?

23 A. Yes.

24 Q. Okay. Are you presently, today, 100



1 percent -- the 100 percent shareholder of ACE?

2 A. Yes.

3 Q. Have you always been the sole  
4 shareholder of ACE?

5 A. Yes.

6 Q. From the date ACE was incorporated in  
7 2002 to the present?

8 A. Yes.

9 Q. In 2013, did ACE have a board of  
10 directors?

11 A. Yes.

12 Q. Who was on the board of directors in  
13 2013 at ACE?

14 A. That was just me and Ramona Bump.

15 Q. Is Ramona your wife?

16 A. Yes.

17 Q. How about 2013 and 2014, did ACE have a  
18 board of directors?

19 A. Yes.

20 Q. And who were the members of the board  
21 of directors for ACE in 2014?

22 A. The same. That's all it has ever been.

23 Q. Ramona and yourself?

24 A. Yes.



1 Q. From 2002 through 2017?

2 A. Yes.

3 Q. The board of directors for ACE has  
4 consisted of your wife, Ramona, and you?

5 A. Yes.

6 Q. In 2013, did -- who were the officers  
7 of ACE, if you recall?

8 A. That was myself, Keith, and Maggie.

9 Q. And what was your role as officer of  
10 ACE in 2013?

11 A. President, CEO, and program director.

12 Q. What was Keith Bump's role as an  
13 officer of ACE in 2013?

14 A. Vice president sales and marketing.

15 Q. What was Maggie Parrish's role as an  
16 officer of ACE in 2013?

17 A. Vice president of student affairs.

18 Q. What was -- in 2013, what was Maggie  
19 Parrish's duties and responsibilities as vice  
20 president of student affairs for ACE?

21 A. She was -- she handled student -- how  
22 would I say it? The same as customer service,  
23 only just for students.

24 Q. In 2003 -- excuse me. In 2013, what



1 was Keith Bump's duties and responsibilities at  
2 ACE in connection with his position as vice  
3 president of sales and marketing?

4 A. He was to -- if I remember right, he  
5 was -- we had other people in the sales  
6 department at that time. So he was sales  
7 manager. He's currently the only person in  
8 sales, but I'm trying to remember back then. He  
9 was sales manager. I think there were three  
10 other salespeople. And he was also in charge of  
11 selling the service that we had between ACE and  
12 YEHSS, Y-E-H-S-S.

13 Q. Is that Your Extra Hands Surgical  
14 Services?

15 A. Yes.

16 Q. It is going to be -- it's the acronym  
17 for that will be Y-E-H-S-S.

18 Who were the other three salespeople,  
19 if you recall, Mr. Bump, that your brother Keith  
20 was in charge of in 2013?

21 A. There was Gabriel. I only remember  
22 first naming. Bickling. Gabriel Bickling.

23 Q. Can you spell it?

24 A. B-I-C-K-I-N-G.



1 John Redmond.

2 Q. Can you spell Mr. Redmond's last name?

3 A. R- E- D- M- O- N- D.

4 And Jack Simmons, S- I - M- M- O- N- S.

5 Q. And Gabriel, John, and Jack are no  
6 longer employed at ACE?

7 A. Correct.

8 Q. Do you recall --

9 A. They had nothing to do with any of  
10 this.

11 Q. Do you recall when Gabriel, is that a  
12 male or a female?

13 A. A male.

14 Q. A male. Do you remember when  
15 Mr. Bickling left ACE?

16 A. No. We would have it in our HR  
17 records.

18 Q. How about Mr. Redmond, do you recall  
19 when Mr. Redmond terminated his employment?

20 A. It was some time after. Those two left  
21 probably six months later, something like that.

22 Q. In 2014?

23 A. If that's --

24 Q. If you remember?



1 A. I don't remember the date.

2 Q. That's fine.

3 How about Mr. Simmons, do you recall?

4 A. The same date as John.

5 Q. In 2014, did ACE have officers other  
6 than yourself, Keith, and Maggie Parrish?

7 A. No.

8 Q. In 2013, how many employees did ACE  
9 have, Mr. Bump?

10 A. Counting me, I think seven.

11 Q. And the employees would have been  
12 yourself, Keith Bump, Maggie Parrish, Gabriel  
13 Bickling, John Redmond, and Jack Simmons?

14 A. And we have a receptionist as well.

15 Her name was Tina. I don't remember her last  
16 name. I don't remember her last name.

17 Q. She was ACE's receptionist?

18 A. Uh-huh.

19 Q. Maggie Parrish. In 2013, did Maggie  
20 Parrish have any formal training in surgical  
21 assisting?

22 A. No. She wasn't a surgical assistant.

23 Q. To your knowledge, has Ms. Parrish ever  
24 had any training in surgical assisting?



1 A. No, she hasn't.

2 Q. How about 2014, do you recall in 2014

3 how many employees ACE had?

4 A. It would be the same.

5 Q. And presently, how many employees does

6 ACE have?

7 A. Four.

8 Q. And who are those employees?

9 A. Myself, Tabitha, Keith, and Maggie.

10 Q. Okay. You testified earlier, Mr. Bump,

11 that I believe in 1973, you joined the Navy; is

12 that right?

13 A. Yes.

14 Q. In what capacity did you join the Navy?

15 A. Enlisted. Is that what you're looking

16 for?

17 Q. Yeah. Well, I think you said you went

18 into surgical tech in the Navy?

19 A. Right. I went through a school that

20 they had for surgical tech. I was first --

21 first I went into -- I became a medic or what

22 they call a hospital corpsman. That was my

23 first level of training. Two years later, I

24 went to a surgical tech program which was more



1 advanced.

2 Q. Did at one point you serve at the Naval  
3 Submarine Medical Center; is that right?

4 A. Yeah.

5 Q. Do you recall what years those were,  
6 Mr. Bump?

7 A. 75 through 78.

8 Q. And then when did you leave the service  
9 in the Navy?

10 A. At the end of 78.

11 Q. What did you do from the time you left  
12 the service in the Navy in 1978?

13 A. Well, first of all, I tried to get a  
14 job in the hospital that was local. They  
15 weren't hiring people like me, military people.  
16 And eventually, I got in, and it's probably  
17 about a couple years later. And in the  
18 meantime, I had taken on several, like, just any  
19 kind of jobs I could get.

20 And so, the hospital where I finally  
21 got a job at was called Lawrence Memorial  
22 Hospital. And for a while, I just took any job  
23 in there so I'd just get my foot in the door.  
24 So I worked in central sterile services for a



1 while, and then I finally got a job in the  
2 operating room there as a surgical tech.

3 Q. And how long were you employed at  
4 Lawrence Hospital for?

5 A. Until 1989.

6 Q. Do you recall when you began your  
7 employment at Lawrence Hospital?

8 A. It would be a little bit of a guess,  
9 but I think it was maybe 1980 or something like  
10 that.

11 Q. When did you at Lawrence Hospital, when  
12 did you -- if you remember, when did you become  
13 a surgical tech at Lawrence Hospital?

14 A. I probably worked as a surgical tech  
15 there for five years or so. So if you back time  
16 that.

17 Q. Okay. And then where did you go after  
18 you left Lawrence Hospital in 1989?

19 A. I was invited to Denver, Colorado, to  
20 join a group of surgical assistants. The same  
21 group I told you had an apprenticeship-type  
22 program to train you to be a surgical assistant.

23 Q. And what was the name of that entity?

24 A. Colorado Surgical Assisting. They're



1 no longer in business.

2 Q. What were your duties and  
3 responsibilities at Colorado Surgical Assisting?

4 A. To provide surgical assisting services  
5 to the Denver area surgeons and to train people  
6 for. So I became in charge of that  
7 apprenticeship-type program I was telling you  
8 about.

9 Q. Uh-huh.

10 A. At some point we had decided that --  
11 actually, I kind of instigated this. We decided  
12 that instead of just inviting people to join us  
13 and provide that training for them, that we  
14 should open that training up for anybody that  
15 was qualified to take it.

16 And after, I don't know, maybe a year,  
17 year and a half, the partner who owned the  
18 Colorado Surgical Assistant just decided to let  
19 that go. And because he was really just  
20 interested in taking people under his arms,  
21 teaching them everything that he knew for the  
22 purpose of populating that company with  
23 well-trained assistants, and I thought that it  
24 might be a better idea if we made it available.



1 Because the reason I thought that was because as  
2 a result of the training that I got, I was able  
3 to do things in surgery I never thought I'd be  
4 able to do unless I went to medical school. And  
5 I was able to make a living that I thought maybe  
6 I'd have to go to medical school to make.

7 So as a surgical tech, I was making  
8 like \$35,000 a year working 50, 60 hours a week,  
9 to make that back in the mid-80s. And the first  
10 year that I started with Colorado Surgical  
11 Assisting -- and by the way, just to explain  
12 that a little further. I wasn't an employee.

13 Q. You were not an employee?

14 A. I was not an employee.

15 Q. Of Colorado Surgical Assisting?

16 A. Right. I was not like a partner, but I  
17 was an associate in that group. And so we  
18 basically all owned. Everybody that was  
19 assisting were self-employed. And Colorado  
20 Surgical Assisting just provided extra services  
21 that we needed and we were able to like unit  
22 together as a group.

23 Q. During your employment -- or well,  
24 during your affiliation with Colorado Surgical



1 Assisting, did you serve as a surgical assistant  
2 in operating rooms?

3 A. Yes.

4 Q. At hospitals?

5 A. Yes.

6 Q. Can you describe to me, Mr. Bump, what  
7 a surgical assistant is in the operating room?

8 A. Sure.

9 I have to take you back a little bit to  
10 what a tech is to compare it.

11 Q. Okay.

12 A. Okay. A surgical tech is the person  
13 that hands instruments to the surgeon and to his  
14 assistant.

15 Q. Okay.

16 A. Okay. And they -- so they monitor --  
17 they set up and monitor the surgical field, make  
18 such the surgeon has everything they need during  
19 a case and are so familiar with what happens  
20 during the case that they can provide an  
21 instrument, for instance, almost before the  
22 surgeon even knows they need it. That's their  
23 job.

24 The person that stands right across



1 from the surgeon and helps them do the surgery  
2 and needs all the same skills as a surgeon has  
3 is the surgical assistant. So there is,  
4 actually, in some surgeries that you might do  
5 with a surgeon, you might have to do half the  
6 surgery yourself, not with the surgeon gone.

7 The surgeon has to be there to supervise.

8 Like, for instance, as an example, if  
9 we were doing a total abdominal hysterectomy and  
10 you have ligaments and vessels going on each  
11 side of the uterus and they have to be ligated,  
12 cut and tied off and there is dissections that  
13 have to take place. Well, a surgeon would work  
14 on their side. They would expect us to do all  
15 those same things on our side.

16 So we, basically, had to have all the  
17 same skills a surgeon has and bring with us the  
18 same kind of knowledge to the surgery that  
19 another surgeon would if they were assisting on  
20 the procedure. And that's what our mission is  
21 at ACE, is to train students to have those kinds  
22 of skills and that kind of knowledge.

23 Q. To be a certified surgical first  
24 assistant, does an individual have to obtain an



1 M. D. ?

2 A. No.

3 Q. They do not need to attend medical --  
4 do they need to even attend medical school ?

5 A. No. They're referred to as non-M. D.  
6 surgical assistants.

7 Q. But surgical assistants do perform  
8 procedures on patients during surgery?

9 A. Under the supervision of the surgeon.

10 Q. Okay. Whereas --

11 A. Not autonomous at all .

12 Q. Whereas, surgical assistants do not  
13 perform any procedures on the particular patient  
14 during surgery?

15 A. Are you messing up surgical tech and  
16 surgical assistant? It sounds like you're  
17 asking me.

18 Q. Or surgical tech. I'm sorry.

19 A. No, they do not.

20 Q. Okay. All right.

21 So back to the Colorado Surgical  
22 Assisting. I believe you testified you were  
23 also serving as a first assistant in operating  
24 rooms?



1           A. Right. About half my time I was  
2 working in the operating room. The other half I  
3 was working on education programs.

4           Q. And was that the first time you had  
5 started working on educational programs for  
6 surgical assisting?

7           A. When I joined that group, yes.

8           Q. When you were affiliated with Colorado  
9 Surgical Assisting?

10          A. Yes.

11          Q. When you were at Lawrence, Lawrence  
12 Memorial Hospital, did you serve as the first  
13 assistant during your tenure then?

14          A. Not -- that wasn't my job description.  
15 But what happens with surgical techs is that the  
16 first assistant -- the first assistant doesn't  
17 show up or they're late, usually it is another  
18 tech, a surgical tech or the same one is handing  
19 instruments will also assist in the surgery. So  
20 I -- and when I was in the military, I had first  
21 assisting experience.

22          Q. Okay. Back to surgical assistant. To  
23 become one, do you have to have a college degree  
24 to become a certified surgical first assistant?



1 A. No.

2 Q. Do you have to have a college degree to

3 become SA-C certified?

4 A. No.

5 Q. Back to your employment.

6 A. Most people --

7 Q. Go ahead.

8 A. -- do have. But it is not required.

9 Like, for instance, if you're a tech, and this

10 is pretty recent. This wasn't back when I was a

11 tech. Usually a tech now graduates with an

12 associate's degree. So people now becoming

13 assistants usually at least have that or they're

14 a nurse and they have a degree. We also get

15 M.D.s in our program. We get physician's

16 assistants and nurse practitioners who want to

17 do what we do.

18 Q. When did your affiliation with Colorado

19 Surgical Assisting end, if you remember the

20 year?

21 A. Yeah. 1995.

22 Q. And then what did you do?

23 A. I started a school.

24 Q. What was the name of the school?



1           A.     The National Institute of First  
2 Assisting. So, basically, remember I said I was  
3 having issues with the guy that owned Colorado  
4 Surgical Assisting. He wanted to go back to the  
5 original thing that we were doing which is just  
6 training people for our school alone -- I mean,  
7 for our agency alone. And so we kind of bumped  
8 heads on that, and I just left and started my  
9 own school at that point.

10          Q.     What was your view of what Colorado  
11 Surgical Assisting, the direction the company  
12 should have gone?

13          A.     I think it was fine. I mean, I just  
14 wanted to do something different. I wanted  
15 Colorado Surgical Assisting to become a national  
16 school that could provide that same kind of  
17 training to people who wanted to either start  
18 their own agency or go back to their hospital  
19 and provide those services.

20          Q.     Okay. And then you started your own  
21 company called National Institute of First  
22 Assisting?

23          A.     NIFA for short.

24          Q.     NIFA?



1           A. N-I-F-A. I thought that was an  
2 appropriate surgical name.

3           Q. Were you the sole shareholder, sole  
4 owner of that?

5           A. No, I still own it.

6           Q. I'm sorry?

7           A. I would still own it if I was. I was  
8 there with a partner. He wasn't a medical guy.  
9 He was just sales and marketing. We started  
10 something new, basically. There wasn't anything  
11 like this in the country. And so I needed  
12 somebody who had sales and marketing savvy to  
13 get that word out. And it worked out pretty  
14 good.

15          Q. What was your partner's name?

16          A. Jerry Kekos.

17          Q. Can you spell the last name?

18          A. K-E-K-O-S. And he still owns NI FA.

19          Q. Is NI FA a competitor of ACE's?

20          A. It would have been if he kept it like  
21 it was.

22          Q. How did he change it?

23          A. He changed -- well, see, there is a lot  
24 of different people that can take advantage of



1 this kind of training. So like I said, nurses  
2 that are operating room nurses, surgical techs,  
3 nurse practitioners, physicans assistants,  
4 doctors even like to take this course. And he  
5 decided that after I left, he wanted to narrow  
6 that down to just nurses. So, yeah, he competes  
7 with us in that small little niche, but we also  
8 have these other people take our program as  
9 well.

10 Q. Did you have an ownership interest in  
11 NIFA?

12 A. 50/50.

13 Q. 50/50.

14 And how long were you at NIFA for?

15 A. Until I left and started ACE. That's  
16 around 2000 -- the end of 2002.

17 Q. What was your job responsibilities  
18 during your employment at NIFA?

19 A. I was the president. And I had a full  
20 responsibility for everything, training and  
21 medical.

22 Q. And then there was -- you started ACE,  
23 incorporated ACE in 2002; is that right?

24 A. Yes.



1 Q. Okay.

2 A. I believe it was September. Then we  
3 started offering the program in March, the next  
4 year.

5 Q. Okay.

6 MR. ROCHE: Let's take a quick break.

7 (Whereupon, a short break was  
8 taken.)

9 BY MR. ROCHE:

10 Q. Back on the record.

11 Mr. Bump, let's talk about ACE from the  
12 time it was incorporated in 2002 up through  
13 2013.

14 A. Okay.

15 Q. Can you just describe, Mr. Bump, the  
16 nature of ACE's business during that time  
17 period?

18 A. The nature of ACE's business hasn't  
19 really changed. It's, basically, we advertise  
20 that we have a training program that's related  
21 to hospital -- that's related to surgical  
22 assisting, and it's to kind of a niche audience  
23 because there are requirements that you have to  
24 have before you can get into the program. It



1 might be you have to be a tech or a nurse or,  
2 you know, so on. You have to provide those  
3 credentials. Generally speaking, you have to  
4 have a certain level of experience in the  
5 operating room to even qualify to get in.

6 Q. Into ACE?

7 A. Right.

8 Q. Okay. And what is ACE -- so it is a  
9 surgical assistant program?

10 A. Right.

11 Q. Okay. From 2002 to 2013 -- well, let  
12 me ask it this way.

13 From 2002 up to the present, has ACE  
14 basically, has the surgical assisting program  
15 for ACE effectively remained the same?

16 A. Fairly close. We had to make some  
17 changes, just objective changes in our distance  
18 learning to qualify for CAAHEP accreditation.

19 Q. How does the program work? How did the  
20 program work?

21 A. Well, still the same. So there is nine  
22 months or so of distance learning unless you  
23 sign up under the enhanced access program which  
24 allows you to speed that up, basically. So



1 there is nine modules. You get one a month  
2 under the routine of the program. If you get  
3 enhanced access, you don't have to wait for the  
4 month to be over. As soon as you're done, you  
5 can move on to the next thing.

6 Q. Does a student have to pay extra to  
7 have the enhanced access?

8 A. Yes.

9 Q. How much is that?

10 A. 695. That probably has changed over  
11 the years, but I don't recall how much.

12 Q. Okay. Nine online modules can be  
13 completed either within the nine-month period?

14 A. Or sooner or later. Somebody might  
15 say, well, I know this material real well. I  
16 can speed through this. But I want to take even  
17 more than a month on this one.

18 Q. Are there any other features of the ACE  
19 surgical assistant program aside from the online  
20 modules?

21 A. Yeah. There is they have to write a  
22 report like the ones I was telling you about  
23 before. And they have to attend the six-day  
24 lab. That's where they get their surgeon-like



1 skills. And then they have to do a clinical  
2 internship at the hospital where they were sent  
3 from. And then that consists of doing 135 cases  
4 as a first assistant. And there are specific  
5 specialties that they have to go through.

6 Q. Was ACE ever accredited with the  
7 Commission on Allied Health Education Programs?

8 A. Yes.

9 Q. Is the acronym for the Commission on  
10 Accreditation on Allied Health Education  
11 Programs CAAHEP?

12 A. Yes.

13 Q. C-A-A-H-E-P; is that right, Mr. Bump?

14 A. Yes.

15 Q. What is CAAHEP?

16 A. They're an accrediting body that  
17 accredits allied health education programs. Not  
18 just surgical assisting. They accredit surgical  
19 tech. They accredit fields not related to  
20 surgery. Like I think they accredit  
21 phlebotomists and that kind of thing, too.

22 Q. Lobotomy?

23 A. No. Phlebotomist.

24 Q. Phlebotomists. Okay.



1           A. You just opened up a whole new career  
2 avenue.

3           Q. Don't perform those surgeries.

4           Do you recall the years ACE was CAAHEP  
5 certified?

6           A. Accredited.

7           Q. Or accredited?

8           A. From January 2009 to February 2012.

9           Q. Why did ACE decide to pursue  
10 accrediting with CAAHEP?

11          A. The industry thought highly of that,  
12 and so we gained access to a whole new market as  
13 a result of getting that CAAHEP accreditation.

14          Q. What new market are you describing?

15          A. Well, the accreditation comes, is  
16 basically for a group of people who think highly  
17 of the Association of Surgical Technologists.  
18 So that CAAHEP accreditation came out of that  
19 institution. And so people that are members of  
20 that institution are taught to think highly of  
21 CAAHEP accreditation. So that would open that  
22 market up to us of people who thought highly of  
23 CAAHEP accreditation.

24          Q. Can you just elaborate when you say



1 people, are you referring to hospitals?

2 A. Sometimes hospitals. Sometimes  
3 hospitals are biased in favor of that. But  
4 mainly hospitals are just concerned about their  
5 people being able to get certified. The members  
6 of AST are the ones that I'm referring to. If  
7 you're a member of the Association of Surgical  
8 Technologists.

9 Q. That's AST, the acronym?

10 A. Yes.

11 Q. Okay.

12 A. Then they -- they're -- I don't want to  
13 use the word brainwashed, but it is almost like  
14 they're brainwashed in favor of that as opposed  
15 to other alternatives.

16 Q. Did -- what do you mean by -- Mr. Bump,  
17 what do you mean by new market? New market of  
18 students?

19 A. Yes, new market of students.

20 Q. Okay. And the students would come from  
21 where?

22 A. They would usually be AST members.

23 Q. Students who were AST members would go  
24 to ACE because ACE was CAAHEP certified because



1 AST members thought so highly they were  
2 brainwashed to think highly of CAAHEP?

3 A. That whole thought process came out of  
4 that organization. So they highly touted and  
5 put other alternatives down.

6 Q. Did ACE's enrollment of students  
7 increase during this time period?

8 A. Absolutely.

9 Q. From 2009 to 2012?

10 A. Yes. I can't really comment on how  
11 much, but I definitely can comment.

12 MR. DAVIS: When he asks the question,  
13 let him finish the question before you answer.

14 THE WITNESS: Okay. Sorry. Are you  
15 ready?

16 BY MR. ROCHE:

17 Q. Yes.

18 A. Okay. I'm kind of like that in real  
19 life too. Sorry.

20 I can't really comment so much on how  
21 much it increased, but I know much it decreased  
22 when we lost it. We lost about half of our  
23 business.

24 Q. Half the student enrollment?



1           A.     Student enrollment went down about  
2 half f.

3           Q.     ACE's student enrollment declined about  
4 50 percent when ACE was no longer certified by  
5 CAAHEP?

6           A.     Correct.

7           Q.     Do you recall what ACE's enrollment was  
8 during the time it was accredited by CAAHEP?

9           A.     I mean, if we use the figures I just  
10 said, we're currently enrolling between 90 and  
11 100 students. So it is near double that.

12          Q.     During 2009 through 2012?

13          A.     Uh-huh.

14          Q.     Why did ACE no longer -- well, strike  
15 that.

16                 Why did ACE become unaccredited by  
17 CAAHEP?

18          A.     They instituted a new rule. The new  
19 rule -- and the way it was put to me because we  
20 appealed the whole thing. The way it was put to  
21 me in the appeal was we weren't doing that just  
22 to get you out, this new rule. We wanted to  
23 eliminate the entire realm of what we would call  
24 mom-and-pop organizations.



1                   So the new rule was not only did -- not  
2 only do you have to get CAAHEP accredited for  
3 your program, but from now on, we will only  
4 accept CAAHEP accredited programs from  
5 accredited institutions like community colleges  
6 and stuff like that.

7                  **Q. Could ACE become an accredited  
8 institution?**

9                  A. Yes. We could have. And in fact, we  
10 tried that but weren't given enough time. We  
11 could have done it if we had an extension on the  
12 time that we were given, but CAAHEP didn't go  
13 for it. They weren't going to allow an  
14 extension.

15                 **Q. Do you recall what the requirements  
16 were to become an accredited institution by  
17 CAAHEP?**

18                 A. Well, CAAHEP didn't -- there is lots of  
19 organizations that accredit institutions rather  
20 than programs. And they had a list of people we  
21 could go through. So we had a guy who was a  
22 consultant for us that recommended this one, and  
23 so we went with that. And we had about nine  
24 months to make it happen. And that was a rush.



1 We had to really rush. And that didn't work out  
2 right.

3 Q. Do you recall what ACE had to do to try  
4 and become accredited institution during this  
5 nine-month period?

6 A. Well, it was very similar to getting  
7 CAAHEP accredited because we remember before  
8 that CAAHEP had to cover all the issues relating  
9 to the institution, as well as to the program.  
10 And I don't know if this was part of their  
11 strategy so that they could just streamline  
12 their function and relate it just to programs  
13 and leave the institutional stuff to somebody  
14 else or it could have been that they were just  
15 trying. Like they even said, let's get rid of  
16 these small organizations and go for the -- like  
17 the community colleges and stuff like that.

18 So we really had two routes we could  
19 have gone through. We could have gotten  
20 institution accreditation ourselves, if we had  
21 enough time to do it, or we could have gone with  
22 somebody like College of DuPage, which was our  
23 reason why we wanted to do that, so that they  
24 could sponsor the program and they would count



1 that as the institutional accreditation that  
2 they were looking for.

3 Q. Do you know if the College of DuPage  
4 was accredited with CAAHEP during 2013?

5 A. Well, CAAHEP doesn't --

6 Q. Just my --

7 A. Yes or no?

8 Q. Yes. Well, do you understand my  
9 question? I'm just -- my question simply is:  
10 Do you know if the College of DuPage was  
11 accredited by CAAHEP in 2013 for its surgical  
12 assistant program?

13 MR. DAVIS: Well, I'm going to object to  
14 form on that because CAAHEP doesn't accredit  
15 colleges. So your question is did they credit  
16 COD? CAAHEP doesn't accredit colleges.

17 BY MR. ROCHE:

18 Q. Okay. I'll withdraw it.

19 ACE is -- in 2013, ACE was --

20 MR. DAVIS: Let me -- did COD have  
21 programs that were accredited by CAAHEP?

22 THE WITNESS: I think so. I don't know  
23 that for sure.

24 MR. DAVIS: Okay.



1                   THE WITNESS: But they have a surgical  
2 tech program, and that probably was CAAHEP  
3 accredited.

4 BY MR. ROCHE:

5 Q. Do you know as you sit here today if it  
6 was CAAHEP accredited in 2013?

7 A. No.

8 Q. As you sit here today, do you know if  
9 it was -- if the COD's surgical tech program was  
10 accredited with CAAHEP in 2014?

11 A. I don't know.

12 Q. ACE is -- strike that.

13                   In 2013, was ACE accredited with any  
14 institution?

15 A. Well, we got our -- we weren't  
16 accredited. We got our educational credential  
17 by approval process because in this industry,  
18 surgical assistant programs either get their  
19 education credential from accredited body or a  
20 certifying body. And we have our credential  
21 through a certifying body and we always have.  
22 So during the period of time where we had CAAHEP  
23 accreditation, we also had this approval via a  
24 certified agency.



1 Q. What was the name of the certifying  
2 agency?

3 A. The American Board of Surgical  
4 Assistants. ABSA.

5 Q. Do you own any interest, legal interest  
6 in the ABSA?

7 A. No.

8 Q. What did ACE have to do to obtain  
9 certification by the ABSA?

10 A. We had to submit our curriculum for  
11 approval, and that includes the lab and  
12 everything.

13 Q. And what year, if you remember,  
14 Mr. Bump, did ACE become approved or certified  
15 by the ABSA?

16 A. Well, when we started offering programs  
17 in 2003, March 2003, we were approved at that  
18 point. I don't know what the specific month  
19 was.

20 Q. What is the difference, Mr. Bump,  
21 between a certifying body such as the ABSA and  
22 an accrediting body such as CAAHEP?

23 A. The difference, as we experience it, is  
24 the whole reason to get either one, is so that



1 graduates of your program can become certified  
2 in their field. And so the way that the AST  
3 does that is they've outsourced that to CAAHEP.  
4 And then they accept anybody graduated from a  
5 CAAHEP accredited program as qualifying for  
6 their certifying exam. You kind of bypass all  
7 of that with the certifying agencies because  
8 they specifically accredit or approve you for  
9 graduates of your program to take their exam.

10 Q. Does AST -- or strike that.

11 Did -- in 2003, did AST administer a  
12 certifying exam?

13 A. Well, one of their branches does. The  
14 NBSTSA.

15 Q. And a student -- was that the same  
16 process to your knowledge in 2014, as well?

17 A. Yes.

18 Q. That the NBSTSA administered a  
19 certifying exam on behalf of the AST?

20 A. Correct.

21 Q. Okay. And a student who successfully  
22 passed the exam administered by the NBSTSA would  
23 obtain what certificate?

24 A. The CSFA.



1 Q. In 2013, Mr. Bump, was a student who  
2 graduated from ACE's program eligible to sit for  
3 the CSFA exam?

4 A. That all depends when they were  
5 enrolled because the rule with CAAHEP is if they  
6 were in a CAAHEP accredited program at anytime,  
7 even if before they graduated, their CAAHEP  
8 accreditation was withdrawn, they are still  
9 counted as graduating from a CAAHEP accredited  
10 program.

11 Q. ACE was no longer -- was -- I'll call  
12 it decertified by CAAHEP in 2012?

13 A. Yes. So anybody that was in the  
14 program before then, even though or even after,  
15 as long as they enrolled in the program while we  
16 were still CAAHEP accredited would still be  
17 counted as having graduated from a CAAHEP  
18 accredited program so they could qualify to take  
19 that exam.

20 Q. If a student who enrolled in 2013 with  
21 ACE prior -- or excuse me, after ACE lost its  
22 CAAHEP accreditation, would that student be  
23 eligible to sit for the CSFA?

24 A. If they enrolled after that date, no.



1 Q. In 2014 -- in 2014, was a student who  
2 graduated from ACE's program eligible to sit for  
3 the CSFA exam?

4 A. As long as they enrolled after the 2012  
5 date, they were not eligible. They could  
6 still -- see, some students take quite a while  
7 to get through the program. They might have to  
8 have extensions to finally get through the  
9 program and graduate. So I believe we still  
10 have two people in the program now because they  
11 had to take leave of absences and stuff that  
12 would qualify to take that exam.

13 Q. Let's discuss ACE's previous  
14 experience, if any, with academic institutions  
15 before it engaged in negotiations with COD.

16 Mr. Bump, prior to the consortium,  
17 proposed consortium with the College of DuPage,  
18 had ACE ever entered -- excuse me, had ACE ever  
19 entered into consortiums with academic  
20 institutions to provide ACE's surgical assistant  
21 program?

22 A. No.

23 Q. Prior to the proposed consortium with  
24 COD had ACE ever attempted to enter into



1 consortiums with academic institutions to  
2 provide ACE's surgical assistant program?

3 A. We were in conversation -- we were in  
4 conversations with others, just on an  
5 introductory basis.

6 Q. What do you mean?

7 A. That never really went anywhere. In  
8 other words, Keith, in his pursuit of getting  
9 contracts with hospitals for our relationship  
10 with YEHSS would occasionally come across a  
11 college that was at least at first excited about  
12 it, but then never really followed up.

13 Q. Do you recall the names of the other  
14 colleges that ACE attempted to enter into --

15 A. No.

16 Q. -- consortiums with?

17 A. No.

18 Q. Do you know why -- as you sit here  
19 today, do you know why those other colleges  
20 ultimately declined to partner with ACE?

21 A. No. It is just like it fizzled out for  
22 no reason.

23 Q. Do you recall the number of other  
24 colleges that seemed interested initially?



1 A. It wasn't a lot. It was like two.

2 Q. Two?

3 A. Yeah.

4 Q. You do not recall, as you sit here  
5 today, the names of those?

6 A. No. That was quite a while ago. So  
7 I'm not even sure if Keith would remember them  
8 or not, but he probably would. He is good like  
9 that. I'm the one who has Alzheimer's disease.

10 MR. DAVIS: Do you, really?

11 THE WITNESS: No.

12 BY MR. ROCHE:

13 Q. Let's look at some documents.

14 (Whereupon, a discussion was had  
15 off the record.)

16 (Whereupon, Bump Deposition  
17 Exhibit No. 8 was marked for  
18 identification.)

19 BY MR. ROCHE:

20 Q. Let's take a look at this exhibit.

21 Exhibit 8.

22 Mr. Bump, I show you what's been marked  
23 as Exhibit 8 to your deposition. It is an email  
24 communication, along with some attachments. My



1 question is: Do you recall reviewing this  
2 email? The first page of the document indicates  
3 that you were cc'd on it. I'm just simply  
4 wondering if you recall this email?

5 A. I remember, you know, conversations  
6 with them, yes. It seems familiar. Yes.

7 Q. Okay. Can you describe the document  
8 Bates labeled YEHSS1484 through YEHSS1495?

9 A. Where is it labeled? Oh, down here.  
10 Okay.

11 This is our program catalog, describes  
12 our program as of that time.

13 Q. And can you go back on the first page  
14 of this email, and do you know if Mr. Bump,  
15 Keith Bump ever indicated to the recipient of  
16 this email whether the attachment was  
17 confidential information to ACE?

18 A. I don't believe so.

19 Q. Do you know if Mr. Bump ever, Keith  
20 Bump, after sending this email, communicated to  
21 the recipient, Ms. Ferrari, that the information  
22 was confidential and proprietary to ACE?

23 A. He wouldn't have done that.

24 Q. Why?



1           A. Because it's a document that we used to  
2 inform people of our program.

3           Q. Do you consider that document Bates  
4 numbered 1484 through 1495 to be confidential  
5 information to ACE?

6           A. Confidential unless we give it to  
7 somebody.

8           Q. In which case?

9           A. In we choose to give it to them, it is  
10 not confidential to that person.

11          Q. That person could do whatever he or she  
12 wanted with this -- with the information, the --  
13 strike that.

14           A recipient --

15          A. Students get this.

16          Q. Students get this?

17          A. Our prospective students get this.

18          Q. And students can do whatever they want  
19 with that document?

20          A. That is true.

21          Q. They can publish it online if they  
22 wanted to?

23          A. It is a copyrighted document that we  
24 wouldn't -- we would pursue that if they did



1 that.

2 Q. Where is the copyright?

3 A. It is not a registered copyright. As  
4 you know, anybody can claim copyrighting of  
5 their materials without going through  
6 institutional copyrighting.

7 Q. When ACE provides a student with the  
8 program catalog, does ACE notify that student  
9 that that program catalog is subject to  
10 copyright protection under applicable law?

11 A. No.

12 Q. Let's go back with -- I just want to go  
13 back to some line of questioning with respect to  
14 the proposed consortiums, which I think you  
15 identified as two colleges?

16 A. Uh-huh. Those were actually proposed  
17 consortiums, not like the contract we have with  
18 COD.

19 Q. What was the difference, if you  
20 remember, between?

21 A. The difference is they were just  
22 initial conversations that never went anywhere.

23 Q. Do you know as you sit here now whether  
24 ACE transmitted any information to those two



1      colleges that it now claims in this litigation  
2      constituted trade secrets or confidential  
3      information?

4            A. If we did transfer anything, and I'm  
5      assuming we did, it would have been this  
6      document.

7            Q. The program?

8            A. Yeah.

9            Q. During this time period in 2013,  
10     Mr. Bump, was ACE also actively trying to pursue  
11     consortiums with hospitals?

12          A. No.

13          Q. As well?

14            Okay. If you look at Exhibit 9.

15          A. I don't know what Exhibit 9 is.

16          MR. DAVIS: Exhibit 8 is the last one.

17          MR. ROCHE: Oh, Exhibit 8 is -- okay.  
I'm sorry.

18          BY MR. ROCHE:

19          Q. If you look at Exhibit 8, Mr. Bump, do  
20        you know who the recipient of this email is?

21          A. Ms. Ferrari. No. It looks like she  
22        has maybe a hospital address.

23          Q. And the body of the email indicates



1 that Keith Bump is discussing the combined  
2 benefits of the ACE YEHSS surgical assistant  
3 training and insourcing program?

4 A. Correct.

5 Q. Do you know why Keith Bump would send  
6 the program catalog to this individual?

7 A. Did they? Did he? Yeah. Because that  
8 individual, he was discussing two things with.  
9 One was our training and the other was where  
10 that can go with YEHSS, as well.

11 So, basically, what we were doing at  
12 that point was if that person could arrange a  
13 working relationship with YEHSS, then we could  
14 potentially provide the training for free  
15 because we would have additional what they call  
16 insourcing income from our relationship with  
17 YEHSS as a result, so we would have been able to  
18 afford the training at no cost.

19 Q. Okay. All right. The program catalog,  
20 Mr. Bump, again, it's marked here. The Bates  
21 label is 1484 through 1495. Let's just talk  
22 about this.

23 A. Okay.

24 Q. It is ACE's program catalog; is that



1 right?

2 A. Yes.

3 Q. And you testified that ACE would submit  
4 this program catalog to prospective partners of  
5 ACE?

6 A. I don't recall us ever doing that  
7 except with College of DuPage. So I can't  
8 really testify as if we sent it to those unnamed  
9 people or not. I don't think it progressed that  
10 far.

11 Q. Was the program catalog in 2013,  
12 Mr. Bump, was it stored electronically at ACE?

13 A. Yes.

14 Q. Okay. Who had access to the program  
15 catalog?

16 A. All of us.

17 Q. In 2013?

18 A. All of us in the program -- I mean, in  
19 the company.

20 Q. All seven employees?

21 A. Uh-huh.

22 Q. Okay. Were those seven employees  
23 required to sign any confidentiality agreement  
24 relating to this program catalog?



1 A. I don't believe so.

2 Q. Were these seven employees, to your  
3 recollection as CEO of ACE at this time, did  
4 they ever sign any confidentiality agreements  
5 during the course of their employment?

6 A. Not that I recall.

7 Q. How about non-disclosure agreements, do  
8 you recall, Mr. Bump, in 2013, if any of those  
9 ACE employees that you previously identified  
10 were required to sign non-disclosure agreement?

11 A. Not that I recall.

12 Q. Do you recall in 2013, Mr. Bump,  
13 whether ACE notified -- whether you notified  
14 ACE's employees that the program catalog was  
15 confidential to ACE?

16 A. No.

17 Q. Before these seven employees are able  
18 to access the program catalog electronically,  
19 are they required to enter some sort of password  
20 to access the program catalog?

21 A. No.

22 Q. Are there any electronic restrictions  
23 relating to the accessibility of this program  
24 catalog on the ACE email -- or excuse me, ACE



1 electronically system?

2 A. No, people that would have access to  
3 it, which was everybody, needed to communicate  
4 with potential students what the program was.

5 Q. So potential students would receive  
6 this program catalog?

7 A. Right.

8 Q. Could potential students go online in  
9 2013 and obtain the program catalog on their  
10 own?

11 A. I don't believe so. Currently they  
12 can't. I don't recall if there was online  
13 access. I don't believe so.

14 Q. How would a prospective student obtain  
15 the program catalog?

16 A. By speaking to one of our salespeople.

17 Q. One of the --

18 A. That would communicate with prospective  
19 students.

20 Q. And then the ACE employee who  
21 communicated with the prospective student would  
22 then submit or email then the program catalog?

23 A. Yes.

24 Q. Do you recall if there was any



1 procedure in place within ACE at the time of  
2 that email communication, the ACE employee  
3 explained to the prospective student that the  
4 information was considered confidential to ACE?

5 A. Not that I recall. No.

6 Q. Who at ACE would know the answer to  
7 that previous question, Mr. Bump?

8 A. I believe I know. There was no  
9 procedure in place that I am aware of that --  
10 where we informed them that was confidential  
11 material.

12 Q. Are there --

13 A. I don't believe any colleges do that.

14 Q. In 2013, Mr. Bump, do you recall if ACE  
15 kept, maintained hard copies of this program  
16 catalog at its offices?

17 A. For distribution?

18 Q. Yes.

19 A. We kept it because it was part of our  
20 accrediting process. So we have it in that  
21 format.

22 Q. Do you recall where those hard copies  
23 were located, Mr. Bump, in 2013?

24 A. In my office.



1 Q. And was it kept in a file drawer?

2 A. It was in a binder, a three-ring

3 binder, like a bookshelf.

4 Q. Sure. Where was the three-ring binder  
5 kept in your office, Mr. Bump?

6 A. On a bookshelf.

7 Q. On a bookshelf.

8 Who would know, Mr. Bump, going back to  
9 these two colleges, who would be the individual  
10 most knowledgeable at ACE on the issue of what  
11 information, what materials ACE provided these  
12 two colleges in connection with perhaps entering  
13 into a proposed consortium for the ACE surgical  
14 assistant program?

15 A. Keith.

16 Q. Keith Bump?

17 A. Yes.

18 Q. As you sit here today, Mr. Bump, just  
19 so I understand your testimony correctly, so I'm  
20 clear, you do not have any personal knowledge as  
21 to what information ACE transmitted to these two  
22 colleges in connection with the prospective  
23 consortium?

24 A. That is correct. And I just know this.



1 That I can't even imagine that any more than the  
2 program catalog would have been given to them at  
3 the stage we were at.

4 Q. Because those --

5 A. That might not have been given to them  
6 either.

7 Q. And why? What do you mean by at this  
8 stage?

9 A. At just the very initial probe of  
10 whether they'd be interested or not.

11 Q. Okay. Were you made aware during these  
12 preliminary discussions with these two colleges,  
13 were you ever made aware, either by the college  
14 or by Keith, as to what the internal approval  
15 process was for these two colleges?

16 A. My knowledge of that is a little  
17 blurry, but I know it never had gotten to like  
18 the board stage. I know it had to get through a  
19 board approval process before they could go any  
20 further.

21 Q. Did you know whether or not with these  
22 two colleges, a particular state that these  
23 colleges were in had to actually approve the  
24 programs?



1 A. What state they were?

2 Q. Yes.

3 A. I know there was one in, I believe,  
4 Virginia where Keith lives, in that area. And  
5 that's probably how he came to be aware of them.  
6 The other one seems to me as though it was more  
7 of like a national organization.

8 Q. Okay.

9 A. Like a Concord or something like that  
10 where they have colleges in different states.

11 Q. Did you review -- I know I asked you  
12 about the YEHSS email communications. Did you  
13 review any other documents that were produced by  
14 YEHSS in this case?

15 A. In this case of College of DuPage or  
16 the other two colleges you're talking about?

17 Q. This litigation.

18 A. I think I -- my impression is that I  
19 got to review them all.

20 Q. Okay. All right. Let's -- I can --  
21 what time is it?

22 MR. DAVIS: 11:53.

23 BY MR. ROCHE:

24 Q. All right. Let me ask some questions



1 about ACE's relationship with YEHSS and then  
2 maybe break for lunch, or do you want to keep  
3 going?

4 MR. DAVIS: Off the record.

5 (Whereupon, a discussion was had  
6 off the record.)

7 BY MR. ROCHE:

8 Q. Back on the record.

9 Mr. Bump, did there come a point in  
10 time, to the best of your recollection, where  
11 ACE was considering a merger with YEHSS?

12 A. We -- actually, I was proposing a  
13 possible merger which never really came about.

14 Q. Do you recall when those discussions  
15 occurred, what year?

16 A. Not really.

17 Q. In November of 2013, which is about the  
18 time frame when ACE first started communicating  
19 with COD, do you recall, Mr. Bump, what the  
20 relationship, the business relationship between  
21 YEHSS and ACE was?

22 A. Yes. It was we were basically  
23 affiliated, is the term I would use. So part of  
24 Keith's role was to locate hospitals that might



1 be able to utilize the services that YEHSS  
2 offered in conjunction with our training.

3       **Q.     What services did YEHSS offer?**

4       A.     The insourcing service. That was the  
5 one when they were pushing. They actually did,  
6 you know, like traditional agency stuff, like  
7 the agency that I joined a long time ago. But  
8 insourcing was kind of a new concept where it  
9 basically turned the hospital's employees into  
10 like Kelly Temporary Agency employees where  
11 basically YEHSS would rent that employee from  
12 them to perform surgical assisting and then bill  
13 the insurance company for that service.

14       **Q.     YEHSS would?**

15       A.     Then they would pay the hospital for  
16 that employee.

17       **Q.     What was ACE's role in the insourcing  
18 concept?**

19       A.     We would just locate hospitals that  
20 might be interested in that and offer it. If it  
21 looked like it would be profitable more long  
22 term, then we would offer the training for free  
23 to that hospital in order to facilitate that  
24 training, that contract with YEHSS.



1 Q. To your knowledge, Keith Bump was  
2 contacting hospitals on behalf of ACE to try and  
3 see if there was any avenue type from the  
4 hospital on this insourcing idea?

5 A. That's how he would generate leads, in  
6 other words, just call hospitals like that.  
7 Hospitals called us for training. And then if  
8 he saw an in there for being able to work with  
9 YEHSS on that, then he would introduce that  
10 prospect to them.

11 Q. And again, I'm talking about the  
12 insourcing idea affiliation, I think is the way  
13 you described it. How would ACE be compensated  
14 under this insourcing model?

15 A. So they would receive receipts from  
16 insurance companies for the service that they  
17 were provided.

18 Q. Who is they?

19 A. YEHSS. And they would also pay the  
20 hospital for the use of their employee in that  
21 process. And then the profits from that would  
22 be shared with us.

23 Q. Do you remember the percentage basis of  
24 the --



A. It is 20 percent of whatever the profits were.

Q. ACE would receive 20 percent of the profits?

A. Uh-huh. None of that ever came to fruition. We just did a lot of work for nothing.

Q. That was going to be my next question.  
How many -- was there ever an instance in which  
a hospital contacted ACE and ACE brought in  
YEHSS under this insourcing rubric where a  
profit was generated that ACE received?

A. No.

Q. Not one?

A. No.

Q. Over a period of time, how many -- how long did this insourcing affiliation go on between ACE and YEHSS?

A. It was over a year.

MR. ROCHE: Okay. That's all I have on YEHSS for now.

(Whereupon, a lunch break was taken.)



1 BY MR. ROCHE:

2 Q. Mr. Bump, why don't you grab Exhibit 5  
3 which is the -- there you go -- the program  
4 catalog. Just so I understand your testimony  
5 correctly, this exhibit includes both the  
6 program catalog and also the master curriculum.

7 If you turn to ACE1013. Do you see that?

8 A. Yes.

9 Q. Mr. Bump?

10 When you testified earlier about how  
11 prospective students in response to  
12 communications with ACE employees would receive  
13 the program catalog, would the prospective  
14 students also receive the master curriculum?

15 A. No.

16 Q. Only what is called the program  
17 catalog?

18 A. Yes.

19 Q. Okay. Did there ever come a point in  
20 time when a student who enrolled at ACE would  
21 receive the master curriculum?

22 A. No. That was basically put together  
23 for accreditation purposes.

24 Q. With what bodies, accreditation bodies?



1       A. With CAAHEP. The ABSA also received a  
2 version, but not like an official master  
3 curriculum.

4       Q. All right. Let's focus on the program  
5 catalog only.

6                  Can you identify, Mr. Bump, by Bates  
7 label ACE's program catalog?

8       A. ACE1001.

9       Q. And where does the program catalog end  
10 in terms of Bates labels? How many pages is the  
11 program catalog?

12      A. It ends on 1012.

13      Q. Okay. Let's turn to ACE1003. In the  
14 introduction section, Mr. Bump, do you see at  
15 the end it says R. Bump, secretary?

16      A. Yes.

17      Q. Who is that?

18      A. Ramona.

19      Q. Your wife?

20      A. Yes.

21      Q. In the faculty section, it lists you  
22 and Dr. Arthur Heller. My question is: Who is  
23 Dr. Arthur Heller?

24      A. He was a previous medical director of



1 the program.

2 Q. Was he a medical director of ACE in  
3 2013?

4 A. Yes.

5 Q. And when did Dr. Heller's relationship  
6 with ACE end?

7 A. I'm not exactly sure of the date. It  
8 was a couple of years ago. Two or three years  
9 ago.

10 Q. And why did Dr. Heller's relationship  
11 with ACE end?

12 A. He is retired.

13 Q. Is Dr. Heller, does he have any  
14 relationship with the ABSA?

15 A. No.

16 Q. And what were Dr. Heller's duties and  
17 responsibilities during his affiliation or  
18 relationship with ACE?

19 A. He was mainly, when we first started  
20 working with him, he was required to review the  
21 curriculum for validity and usefulness to the  
22 industry. And from there on, he basically was  
23 there for advice any time I needed him. And he  
24 would participate in advisory committee



1 activities.

2 Q. ACE had an advisory committee during  
3 this time period?

4 A. Uh-huh.

5 Q. Who else was on it? Or strike that.

6 Who was on the advisory --

7 A. Let's put it this way.

8 Q. -- committee.

9 A. During what time are you talking about?

10 Q. 2013.

11 A. No. The advisory committee was in  
12 effect before and during CAAHEP accreditation.

13 Q. 2009 through 2012?

14 A. Uh-huh.

15 Q. And who was on that committee?

16 A. He, I, and a number of surgeons from  
17 around the country.

18 Q. Okay. I direct your attention to  
19 program offered on page 1003 in the middle of  
20 the page.

21 A. Program objectives?

22 Q. Right under faculty, see it says  
23 program offered?

24 A. Yes.



1 Q. Okay. It indicates that there is  
2 essentially three categories here of the ACE  
3 surgical assistant program, the first one being  
4 the SurgiNet, the second one the surgical skill  
5 lab, and the third one SurgiNet clinical  
6 internship program. Do you see that?

7 A. Yes.

8 Q. And then there is clock hours and then  
9 a column for semester credits. Do you see that?

10 A. Yes.

11 Q. What is the difference between clock  
12 hours and semester credits?

13 A. The clock hours would be the number of  
14 hours a student was anticipated to participate  
15 in that, the regular hours, number of hours that  
16 it would take.

17 Q. Okay. And then semester credits, is  
18 that the same as credit hours, you know, if ACE  
19 were an academic institution?

20 A. Yeah. I mean, like college credit  
21 hours?

22 Q. Yes.

23 A. Yes. There is different formulas  
24 depending on what kind of training there is. So



1 there is one formula for like classroom  
2 training, there is another formula for lab  
3 training, and there is another formula for  
4 experience, like in a clinical experience. So  
5 they don't all count the same for semester  
6 credits.

7 Q. And that's why?

8 A. So like there is 400 hours on the  
9 clinical internship, and that only came out to  
10 be 8.8. And just a little bit more than that,  
11 600 was 40, as far as the distance learning is  
12 concerned.

13 Q. If you look down this page at  
14 occupational objective. Do you see that  
15 paragraph?

16 A. Yes.

17 Q. The last sentence. I just have a  
18 couple questions about the last sentence.

19 A. Uh-huh.

20 Q. So if you could read that sentence for  
21 a second.

22 A. Okay. I'm ready.

23 Q. Does this sentence mean that a student  
24 has to go through the ACE program to be eligible



1 to sit for the national certifying exam to  
2 become an A S-C?

3 A. Well, any approved program by the ABSA.  
4 It woul dn't be just ACE.

5 Q. If you turn to the next page, ACE1004.  
6 Kind of the top enhanced access. Is this the  
7 fee that you were describing in which an --  
8 earlier in which a student could pay \$695 to  
9 have access to all nine online modules?

10 A. Yes.

11 Q. At once?

12 For ACE's -- for the program, for the  
13 only portion of the program, was the enrollment  
14 on a monthly basis or a semester basis?

15 A. When they enrolled, it was for the  
16 entire program.

17 Q. Could a student enroll for the ACE  
18 program at any time throughout the calendar  
19 year?

20 A. Yes.

21 Q. In 2013?

22 A. Yes.

23 Q. Okay. Has that always been the case  
24 with ACE?



1 A. Yes.

2 Q. In terms of enrollment?

3 Once a student is accepted -- and we'll  
4 talk about the admission standards in a minute.

5 But once a student is accepted into the ACE  
6 program and enrolls, is the student required to  
7 sign any sort of agreement that identifies that  
8 the information the student is going to receive  
9 from ACE is ACE's confidential information?

10 A. I don't believe so. There is an  
11 enrollment form. I'm trying to picture where  
12 that might be in the enrollment form, but I  
13 can't. I don't think so. I don't think there  
14 is a confidentiality clause.

15 Q. Once a student is accepted into the ACE  
16 surgical assistant program and enrolls, is the  
17 student required to sign any sort of agreement  
18 in which he or she agrees not to disclose the  
19 material he or she will receive from ACE?

20 A. No.

21 Q. Is there an online popup in which ACE  
22 notifies the new student that the information he  
23 or she will now have access to is confidential  
24 to ACE?



1 A. No.

2 Q. Once a student enrolls in the ACE  
3 surgical assistant program, does ACE in any way  
4 communicate to the new student that the  
5 information and materials the student will  
6 receive is ACE's confidential information?

7 A. No.

8 Q. Would you agree that a student could  
9 print the online material and transmit that  
10 material to anyone?

11 A. Theoretically, yes.

12 Q. A student could take a screen shot with  
13 his or her cell phone and transmit that  
14 information, that picture to anyone?

15 A. Yes.

16 Q. So would you agree that the information  
17 that can be accessed by students is not secret?

18 A. From that perspective, I'd have to  
19 agree with you.

20 Q. Does a student have to complete the  
21 surgery -- is it SurgiNet? Is that how you  
22 pronounce it?

23 A. Yes.

24 Q. SurgiNet. Does the student have to



1 complete the SurgiNet program before taking the  
2 skills lab?

3 A. No.

4 Q. The SurgiNet program is the online  
5 portion of the ACE surgical assistant program;  
6 is that right?

7 A. Yes.

8 Q. So a student can enroll and  
9 immediately -- excuse me, a student who is  
10 accepted and enrolls in the ACE surgical  
11 assistant program can immediately take the  
12 skills lab if he or she chooses?

13 A. Yes.

14 Q. What about the clinical portion of the  
15 program? What does a student -- strike that.

16 Can a student take or start his or her  
17 clinical portion of the ACE program prior to  
18 completing the online portion?

19 A. Yes.

20 Q. Can a student start the -- this is  
21 all -- again all these questions are in 2013 and  
22 2014.

23 A. Uh-huh. Okay.

24 Q. Well, let me just make sure we get this



1 down.

2                   2013 and 2014, during those two years,  
3 was ACE's program as kind of set forth in the  
4 program catalog, did it remain the same?

5                   A. Yes.

6                   Q. Okay. Could a student during this time  
7 period, could a student start the clinical  
8 portion of the ACE surgical assistant program  
9 prior to completing the online portion?

10                  A. Yes.

11                  Q. Could a student during this time period  
12 start the clinical portion of the surgical  
13 assistant program prior to completing the skills  
14 lab?

15                  A. No.

16                  Q. The student had to go through the  
17 skills lab before he or she could start the  
18 clinical portion; is that accurate?

19                  A. Yes.

20                  Q. To the best of your recollection,  
21 Mr. Bump, did -- in 2013 and 2014, were there  
22 ACE students who took the skills lab before  
23 completing the online portion of the course?

24                  A. Yes.



1 Q. On average, how many students would  
2 you -- how many students do you recall having  
3 taken the skills lab before completing the  
4 online portion?

5 A. It is probably a majority. I don't  
6 have official numbers or anything. It is  
7 probably a majority. And the reason for that  
8 is, is a lot of students enrolled because we  
9 were bringing the lab to their area and became  
10 interested in our program as a result of that.

11 Q. What areas -- in 2013 and 2014, what  
12 geographical areas was the skills lab presented  
13 by ACE?

14 A. There were areas all over the country.  
15 A big source of our training during when we were  
16 CAAHEP accredited was Texas. That's a big  
17 majority of what we lost when we lost our CAAHEP  
18 accreditation. But we also put on courses in  
19 California, in Las Vegas, in Georgia, did a  
20 couple here in Chicago or suburbs of Chicago,  
21 and those are the big ones that we -- I can't  
22 remember off the top of my head if there were  
23 other areas at the time. Sometimes we would go  
24 to an area if we were invited. Like if a



1 hospital wanted us to train their employees, we  
2 would go to them for that.

3 Q. Do you recall, Mr. Bump, what ACE's  
4 enrollment was for the calendar year of 2013?

5 A. No. My estimation would be it is  
6 pretty close to what it is now. Around 90 to  
7 100 a year.

8 Q. In 2014, do you recall what ACE's  
9 enrollment was for that calendar year?

10 A. Not specifics. It's been pretty stable  
11 over those years.

12 Q. ACE's averaged between 90 and 100  
13 students from per calendar year from 2013 up to  
14 the present?

15 A. From the time we lost our  
16 accreditation, yes.

17 Q. And prior to the loss of the CAAHEP  
18 accreditation, how many students, on average,  
19 did ACE enroll?

20 A. Between 150 and 180.

21 Q. Okay. Back to ACE1005. Entrance  
22 requirements. It is towards the top of the  
23 page.

24 It states, I guess, in the -- after the



1 first sentence, the second sentence indicates  
2 that, "applicants must provide proof of high  
3 school diploma or GED equivalency or a copy of  
4 diploma and official transcripts of the highest  
5 level of medical education completed."

6 Is it a reasonable interpretation of  
7 that sentence, Mr. Bump, a student can be  
8 admitted into ACE without having a high school  
9 diploma or a GED?

10 A. No, they cannot.

11 Q. They have to have a high school diploma  
12 or a GED to enroll in ACE?

13 A. Yes.

14 Q. Okay. I just I was -- I'm wondering if  
15 you can -- well, strike that.

16 Okay. Let's discuss the specific types  
17 of medical services professionals that ACE  
18 accepted. It appears that ACE accepted in 2013,  
19 and again 2014 -- actually, before I ask that,  
20 did the entrance requirements or admission  
21 requirements for ACE change in 2013 or 2014?

22 A. No.

23 Q. They were the same admissions  
24 requirements?



1 A. Uh-huh. These.

2 Q. Are those the same admission -- does  
3 ACE have the same admission requirements in its  
4 program today?

5 A. Yes.

6 Q. And can you identify the types of  
7 medical services professionals at ACE accepted  
8 that qualified for admission into the ACE  
9 assistant surgical program in 2013 and 2014?

10 A. They were all the same listed here.  
11 Surgical techs, whether they were on-the-job  
12 trained or were trained at a college, then  
13 operating room nurses with two years of  
14 experience in the operating room. PAs,  
15 physician's assistants, and nurse practitioners  
16 and medical doctors.

17 Q. Surgical techs who either graduated  
18 from a -- strike that.

19 Surgical techs could qualify and be  
20 enrolled in a -- if they were either on-the-job  
21 trained as a surgical tech or they went to or  
22 obtained some sort of degree?

23 A. Right.

24 Q. In surgical technology?



1           A. Or certificates. It is not always a  
2 degree.

3           Q. Certificates. Okay.

4           In 2013, Mr. Bump, approximately how  
5 many ACE students were OR nurses?

6           A. In 2013, I don't have the enrollment  
7 statistics in front of me, but my guess would be  
8 maybe a tenth of our students.

9           Q. How about 2014?

10          A. The same.

11          Q. Is there any documents that you could  
12 think of, Mr. Bump, that would identify by type  
13 of profession the student body of ACE during  
14 2013, 2014?

15          A. Like a roster that has their medical  
16 background on it?

17          Q. Yes.

18          A. No.

19          Q. How about a --

20          A. You can do a query in our database to  
21 find out that information, but we don't have one  
22 specific document.

23          Q. Okay. You do track -- ACE does track?

24          A. Uh-huh.



1 Q. The background of its students?

2 A. Yes.

3 Q. Okay. How about on-the-job-trained  
4 surgical techs, in 2013, do you recall how many  
5 on the job surgical techs ACE enrolled?

6 A. Not numbers. I mean, my educated guess  
7 is probably 25 percent.

8 Q. Did that percentage change in 2014 to  
9 the best of your recollection?

10 A. No, no.

11 Q. How about surgical techs who obtained  
12 certificates from some sort of medical  
13 institution?

14 A. They were the majority.

15 Q. That was the majority?

16 A. Uh-huh.

17 Q. Approximately in 2013, what percentage  
18 of ACE students were surgical techs who had  
19 graduated and obtained a certificate?

20 A. Maybe 60 percent.

21 Q. 60?

22 A. I hope that all adds up to 100 percent.

23 Q. I'm not trying to trick you. I'm just  
24 trying to get an understanding as to the



1 composition of the student body.

2 How about for 2014, Mr. Bump?

3 A. It would be the same.

4 Q. 60 percent?

5 A. Uh-huh.

6 Q. Nurse practitioners in 2013, to the  
7 best of your recollection, what percentage of  
8 the ACE student body were nurse practitioners?

9 A. It was a very small percentage. Most  
10 of the PAs and NPs and MDs would only take the  
11 lab. A very small percentage of them decided  
12 they wanted to take the whole program, but it  
13 was very small. Like I would guess maybe five  
14 out of a year. Not percent. Five people would  
15 take the whole program as opposed to just lab.  
16 Those professionals, they can get privileges in  
17 the hospital even without us. They just want to  
18 be better at what they do.

19 Q. Uh-huh.

20 So I understand you correctly, five --  
21 well, in 2013, ACE enrolled approximately five  
22 students who were either nurse practitioners,  
23 physician assistants, or MDs?

24 A. Into the full program.



1 Q. Into the full program.

2 Would that be the same to the best of  
3 your recollection for 2014?

4 A. Yes.

5 Q. As well?

6 Do you recall, Mr. Bump, if ACE  
7 enrolled any osteopathic doctors in 2013 into  
8 its program?

9 A. No.

10 Q. Do you recall for 2014 if ACE ever  
11 enrolled any?

12 A. I don't think we've ever. We would  
13 enroll them. We've just never gotten that.

14 Q. What is the difference between an OR  
15 nurse and a perioperative nurse?

16 A. No difference.

17 Q. It is the same?

18 A. It is new terminology.

19 Q. Okay. What's the difference between a  
20 nurse practitioner and an OR nurse?

21 A. A nurse practitioner goes to school and  
22 they get a master's degree or a doctorate, and  
23 they can basically almost function like a doctor  
24 does in their practice. So it is a very



1 advanced designation.

2 Q. Let's move on to ACE1006. Under your  
3 grading system, a simple question is: In 2013  
4 and 2014, was that the grading system that ACE  
5 implemented for the SurgiNet?

6 A. Yes.

7 Q. Portion of the program?

8 A. Yes.

9 Q. Okay. Is the same SurgiNet  
10 trademarked?

11 A. It is not a registered trademark. It  
12 is TM.

13 Q. Okay. So ACE never registered with the  
14 patent and trademark -- the U.S. Patent and  
15 Trademark Office the particular trademark?

16 A. No.

17 Q. Okay. And I believe you -- well, no.  
18 Let me ask it.

19 After a student enrolls into the ACE  
20 program, does he or she receive a syllabus?

21 A. The syllabus is the document that you  
22 saw in the master agreement. Syllabus outlines  
23 the objectives, gives you the reading  
24 assignments, all of that. That's the syllabus.



1 Q. The master curriculum?

2 A. The master curriculum is a collection  
3 of all the syllabuses for the different labs --  
4 I mean different portions of the program.

5 Q. Well, if you turn to ACE1020, for  
6 example. Would a student who enrolls into the  
7 ACE surgical assistant program receive this  
8 bi oscience syllabus?

9 A. Yes. They would receive it. They have  
10 to log in to the backside of our website, the  
11 student login portion, to receive this.

12 Q. Okay. And then would a student  
13 receive -- is ACE1020 and ACE1021 the syllabus  
14 for the bi oscience module?

15 A. Yes.

16 Q. And if you could just go through.

17 Let's turn to ACE1022 and 1023. Is this  
18 document the syllabus for the online module  
19 laparoscopic surgery and microbiology?

20 A. Yes.

21 Q. ACE1024 to 1026. No. I'm sorry. 25.

22 Is this document the ACE syllabus for the online  
23 module general surgery hernia repair?

24 A. Yes.



1 Q. ACE1026 to 1028, is that the online  
2 module for the thoracic surgery, plastic surgery  
3 and wound care syllabus?

4 A. Yes.

5 Q. ACE1029 to 1030, is this the online  
6 syllabus -- strike that.

7 Is this the syllabus for the online  
8 module GYN surgery, complications of surgery?

9 A. Yes.

10 Q. ACE1031 through 1033, is this the  
11 syllabus for the online module microscopic tubal  
12 anastomosis?

13 A. Do I have to let you suffer through  
14 that?

15 Q. If you could help me.

16 A. Reanastomosis.

17 Q. Reanastomosis. Pharmacology?

18 A. And genitourinary.

19 Q. This is the syllabus for that online  
20 module?

21 A. Yes.

22 Q. ACE1034 through 1036, is this the  
23 syllabus for the ACE online module interpersonal  
24 skills vascular anastomosis anesthesia?



1 A. Yes.

2 Q. ACE1037 to 1039, is this the syllabus  
3 for the ACE online module orthopedics/legal and  
4 ethical considerations?

5 A. Yes.

6 Q. ACE1040 to ACE 1041, is this the  
7 syllabus for the ACE online module total joint  
8 arthroplasty spinal surgery?

9 A. Yes.

10 Q. When a student -- well, before a  
11 student can access the syllabi that we just went  
12 over, is the student required to sign any sort  
13 of agreement that notes that the syllabi and the  
14 information contained within the syllabi is ACE  
15 confidential information?

16 A. No.

17 Q. Once a student is accepted and enrolls  
18 and has access to the online syllabi that we  
19 just discussed, is the student required to sign  
20 any sort of agreement in which he or she agrees  
21 not to disclose that information that anyone?

22 A. No.

23 Q. Is there any online popup, Mr. Bump,  
24 relating to the syllabi and when a student



1 accesses the syllabi that would require the  
2 student to -- or strike that -- that notifies  
3 the student that the information contained in  
4 that syllabi is ACE confidential information?

5 A. No.

6 Q. Once a student enrolls in the ACE  
7 surgical assistant program and thus has access  
8 to the syllabi, does ACE in any way communicate  
9 to that student that the information contained  
10 in the syllabi is ACE's confidential  
11 information?

12 A. No.

13 Q. So similar to the questioning about the  
14 ACE -- about ACE's program catalog with respect  
15 to the syllabi, the student would be able to  
16 print the syllabi and transmit it to anyone he  
17 or she wanted to; is that accurate?

18 A. Not with our permission. We don't give  
19 them permission to do that, but technically they  
20 have that capability.

21 Q. Does ACE notify the student that they  
22 do not have permission from ACE to transmit the  
23 information in the online syllabi to anyone?

24 A. No.



1 Q. A student could also take a picture on  
2 his or her iPhone of the online syllabi and  
3 transmit it to anyone; is that fair?

4 A. Yes.

5 Q. So would you agree that the information  
6 in the syllabi is not secret?

7 A. Not secret from our students.

8 Q. Students can do whatever they want with  
9 the information, the syllabi?

10 A. Yes.

11 Q. And the syllabi that we just went  
12 through, ACE1020 through ACE1041, this is the  
13 same information, Mr. Bump, that ACE is claiming  
14 is an Ace trade secret in this instant  
15 litigation?

16 A. Yes.

17 Q. Let's talk about the mechanics of  
18 completing each of the modules for the SurgiNet  
19 portion of the surgical assistant program.

20 Walk me through it. Tell me how it  
21 works. How does a student -- so a student will  
22 access an online module. How is that taught?

23 A. At the beginning of each month, the  
24 module that everybody gets is opened up to any



1 student, unless they have access and they got it  
2 all. But the first thing they're supposed to do  
3 is take a pre-test to kind of judge where they  
4 are with this information. And then they have  
5 to study the references that we outline for  
6 them. And then they retake another test towards  
7 the end of the month.

8 Q. Okay. What happens -- is the pre-test?

9 A. Uh-huh.

10 Q. Is that pre-test graded?

11 A. Yes. But not -- it gives them a grade,  
12 but we don't record that score. It is not part  
13 of their GPA.

14 Q. What happens if a student passes the  
15 pre-test?

16 A. They still have to take the -- go  
17 through the program. That's not -- it is not a  
18 challenge test.

19 Q. Is there any difference between whether  
20 a student passes the pre-test or fails the  
21 pre-test?

22 A. No.

23 Q. And you --

24 A. The other things that happens. Once



1 they take the pre-test, they get a download of  
2 the questions that they missed so that they can  
3 use that as a study guide in preparation for the  
4 unit test.

5 Q. Do they get a download of the questions  
6 that they answered correctly?

7 A. No.

8 Q. And are those questions, namely the  
9 questions that the student answered correctly,  
10 asked again on the final exam?

11 A. Not necessarily. It is pulled from a  
12 test bank. Each test is pulled from a test  
13 bank.

14 Q. After the student takes the pre-test,  
15 you then discuss reference material. What do  
16 you mean by that? What reference material are  
17 you referring to?

18 A. Ask the question again.

19 Q. After the pre-test is administered, I  
20 believe you testified that the next step in  
21 terms of the presentation of the ACE online  
22 module is reference material?

23 A. Right. So those are the textbooks  
24 referred to in the syllabus.



1 Q. A student?

2 A. And they have reading assignments by  
3 page number.

4 Q. Okay. And then the student -- what  
5 happens after that? After the reference, after  
6 the student goes through and reads the reference  
7 material?

8 A. Then the -- at the last third of the  
9 month, the final test is opened up to them, and  
10 they can take that any time within that period  
11 that they feel they're ready for it.

12 Q. Does each module consist of a video of  
13 an instructor teaching the particular subject  
14 matter?

15 A. No.

16 Q. Are there home -- are homework  
17 assignments given during a module other than the  
18 reading materials?

19 A. Other than that that is their homework  
20 assignment.

21 Q. The reading material?

22 A. Uh-huh.

23 Q. At the end of the reading assignments,  
24 is there a homework assignment?



1 A. No. That is the homework assignment.

2 Q. If a student has questions about the  
3 reading assignment, does he or she have the  
4 ability to communicate with someone at ACE?

5 A. Yes.

6 Q. And how is that done?

7 A. Either by phone or by email.

8 Q. So -- and again, these questions are  
9 all about the ACE program as it existed in 2013  
10 and 2014.

11 A. Right.

12 Q. During that time period, if a student  
13 had a question about a particular reading  
14 assignment, he or she could contact via phone an  
15 ACE employee?

16 A. And if it was a question relating to  
17 the reading material itself, that would have to  
18 be turned over to me. I would be the only one  
19 that can answer those kind of questions.

20 Q. And during this time period you were  
21 available to answer those types of questions?

22 A. Yes.

23 Q. And did that ever occur, to the best of  
24 your recollection, in 2013 or 2014?



1       A. It is not something that happens an  
2 awful lot. It is not something that happens an  
3 awful lot. Maybe in a month, you might get ten  
4 calls or something like that.

5       Q. Were any quizzes given to students as  
6 they proceed through the online module?

7       A. Just the quizzes that we call the unit  
8 tests. The pre-test is basically a quiz, but  
9 not other than that.

10      Q. What was the format -- well, did each  
11 of the nine online modules have a different  
12 format for the quizzes?

13      A. No.

14      Q. What was the format? Multiple choice?

15      A. Multiple choice, yeah.

16      Q. Was there an essay portion of --

17      A. No.

18      Q. For both the pre-test and tests, they  
19 were all of them -- all of those tests, both the  
20 pre-test and the unit tests for each of the  
21 online modules were all multiple choice?

22      A. Yes. Now, I do agree that essay type  
23 questions are important. We covered that  
24 scenario by having them do that report the



1 essay -- not SN but RP- 210.

2 Q. The research report?

3 A. Yes.

4 Q. Who grades -- in 2013 and 2014, who  
5 graded the pre-tests for the online modules?

6 A. It is automatically graded by the  
7 computer program the online programed.

8 Q. And in 2013, 2014, who graded the unit  
9 tests for each of the online modules?

10 A. The computer.

11 Q. And in 2013, 2014, were both the  
12 pre-test and unit tests for the online modules  
13 provided online?

14 A. Yes.

15 Q. What happened if a student failed the  
16 pre-test for an online module?

17 A. They almost all fail them. We expect  
18 it.

19 Q. And what would happen?

20 A. They would be able to download that  
21 study guide related to the questions that they  
22 missed, and that would provide them some  
23 structure to figure out what they need to  
24 bolster their knowledge on.



1 Q. What study guide are you referring to?

2 A. A study guide, it is an online printout

3 based upon the questions that they missed.

4 Q. Would the study guide -- can you just  
5 describe what the online printout consisted of?

6 A. It would just be a list of the  
7 questions that they missed. It's not the  
8 recreation of the actual test question plus the  
9 multiple choice answers. So it is just the  
10 question without the multiple choice answers.

11 Q. Would the study guide provide the  
12 answers?

13 A. No.

14 Q. No. Would the study guide provide any  
15 tips on how to answer the particular question  
16 that the student got wrong?

17 A. No. It is basically a guide. If you  
18 need to -- if the reading materials doesn't give  
19 you all the necessary information you need to  
20 answer that particular question, it would be a  
21 guide for you to do research on that particular  
22 question.

23 Q. That's what the study guide would?

24 A. Uh-huh.



1 Q. Oh, all right. Okay.

2 Research other than what was set forth  
3 in the reading assignments?

4 A. Both that and if they didn't find  
5 satisfactory answers in their reading  
6 assignments, they could research it.

7 Q. And for the unit tests, what would  
8 happen if a student failed the particular unit  
9 test for the online module?

10 A. They had one occasion when they can  
11 retake the test for free, and that's the middle  
12 of the following month. And if they miss that,  
13 then they can retake it any time. There is a  
14 fee for it.

15 Q. Okay. And that procedure was in place,  
16 both with a student who enrolled in the  
17 traditional nine-month program and one who had  
18 the enhanced access?

19 A. No enhanced access. You skip all of  
20 that. You can retake the test whenever you  
21 want.

22 Q. And would a fee be charged depending on  
23 the number of times a student --

24 A. No.



1 Q. -- retook the test?

2 A. No. If they were in the mode, let me  
3 just retake this test as often as I need to, to  
4 pass it mode, we could pretty much tell that by  
5 just observing their trend. And if that  
6 happens, we just shut that off. You've got to  
7 take a month and study this material before you  
8 take the next test.

9 Q. Is there an online library that  
10 students had access to for assistance during  
11 2013, 2014?

12 A. We have an online library, but it is  
13 basically all the materials that they need to  
14 complete the course other than the textbooks.

15 Q. And what would that -- what did that  
16 consist of?

17 A. It would have all the syllabuses on  
18 there -- I'm sorry. Go ahead and finish your  
19 question.

20 Q. What did the ACE online library consist  
21 of in 2013 and 2014?

22 A. It would have the all of the syllabuses  
23 that you needed. If there were reading  
24 assignments that we generated in addition to the



1 textbook, they would be located there as well.

2 Q. Did students during this time period,  
3 Mr. Bump, did they have access to discussion  
4 forums online?

5 A. No.

6 Q. What about blogs, did ACE have an  
7 online blog during this time period?

8 A. We had one. I don't -- I believe it  
9 was up during that time period. But it wasn't  
10 related to coursework, though.

11 Q. And if ACE had or if an ACE student had  
12 questions about the online modules, information  
13 on the online modules, you indicated that they  
14 could either call ACE or there was another  
15 avenue?

16 A. Email.

17 Q. An email, okay. And would that email  
18 be directed to your attention?

19 A. If it was related to coursework,  
20 related to the specific scientific part of the  
21 coursework that other people in my organization  
22 wouldn't be qualified to answer. If it was  
23 related to logistics of doing the course or  
24 anything like that, they could handle that.



1 Q. And were students ACE students notified  
2 that if they had any questions they could  
3 either -- about the actual substance of the  
4 online modules, they could reach out and contact  
5 ACE or send ACE an email?

6 A. I believe there is something -- I'm  
7 almost certain. I'm trying to picture it in my  
8 mind. There is something like that in the  
9 program instructions.

10 Q. Did ACE -- in 2013 and 2014, did ACE  
11 produce any You Tube videos about the surgical  
12 assistant program?

13 A. In what dates?

14 Q. 2013 and 2014.

15 A. No.

16 Q. Was there a physical ACE library  
17 located at its headquarters in Colorado during  
18 this time period, 2013, 2014?

19 A. Yes.

20 Q. And ACE -- did ACE students have access  
21 to that physical library?

22 A. They could have. Most of our students  
23 are out of state.

24 Q. Can you describe the library for me?



1       A. It had all the text reference there,  
2 plus additional surgical texts and medical  
3 terminology texts, as well.

4       Q. Can you just give me an approximation  
5 of how large this library was, how many books  
6 were in the library?

7       A. Maybe 20.

8       Q. And that was located at ACE's  
9 headquarters in Denver?

10      A. Yes.

11      Q. And this was during -- this library was  
12 in existence in 2013 and 2014?

13      A. Yes.

14      Q. Did ACE have a student center during  
15 this time period, 2013, 2014, where ACE students  
16 could access it?

17           MR. DAVIS: I'm going to object to the  
18 form. Student center building or student center  
19 virtual or?

20 BY MR. ROCHE:

21      Q. A physical building.

22      A. No. What would they be doing in that  
23 center that you're asking about? So I  
24 understand the question better.



1                   MR. DAVIS: Do you want to define what a  
2 student center -- what students do in a student  
3 center? He's never been to college. He doesn't  
4 know what a student center is.

5 BY MR. ROCHE:

6                   Q. In 2013, 2014, was there a physical  
7 location that was owned by ACE where ACE  
8 students could congregate and discuss the  
9 surgical assistant program offered by ACE?

10                  A. No.

11                  Q. What about online in 2013, 2014, was  
12 there an online forum where ACE students could  
13 congregate, albeit in a virtual fashion, and  
14 discuss ACE-related topics?

15                  A. Not a forum. Like we had Facebook. I  
16 don't know if that counts for that or not.

17                  Q. Did online students -- or well, did ACE  
18 students have a list of other students who were  
19 taking the ACE program in 2013, 2014?

20                  A. Only the students that they took the  
21 lab with. So many of them did create like their  
22 own network based on their attendance at the  
23 lab. So they had anywhere from four or 15 other  
24 people that they could have that kind of



1 relationship with.

2 Q. Did -- during this time period, 2013,  
3 2014, did ACE have any sort of tutoring program  
4 in place?

5 A. Only for lab participants. In other  
6 words, if there was a student that couldn't get  
7 it at the lab, then we arranged for a tutoring  
8 situation with them, and then they had to report  
9 back to us via video if they were able to  
10 acquire those skills that they weren't able to  
11 acquire at the lab or they could just take a lab  
12 over again.

13 Q. In 2013 and 2014, aside from your --  
14 well, were you an instructor for ACE?

15 A. Yes.

16 Q. Were there any other instructors at ACE  
17 during this time period?

18 A. No.

19 Q. Other than calling in or sending an  
20 email to ACE, was there any other method in  
21 which you made yourself accessible to respond to  
22 student inquiries during the online program of  
23 the ACE program?

24 A. They could have come to our office.



1 But like I say, for most of our students, that  
2 was impracticable other than students that live  
3 in the Denver area.

4 Q. During this time period was the  
5 SurgiNet program the online program that we're  
6 talking about? Was it an independent study?

7 A. Could you describe that a little bit  
8 more?

9 Q. Did the majority of students during  
10 this time period -- let me ask it this way.

11 In 2013 and 2014, on a percentage  
12 basis, how many students either contacted ACE or  
13 e-mailed ACE questions they had with the online  
14 portion of the ACE program?

15 A. About half of them.

16 Q. Let's discuss the surgical skill lab.

17 MR. DAVIS: I need a break.

18 MR. ROCHE: Okay.

19 (Whereupon, a short break was  
20 taken.)

21 BY MR. ROCHE:

22 Q. All right. Back on the record.

23 Why don't you turn to Exhibit 1 which  
24 is the Complaint in this case, Mr. Bump. And



1 just please take a look for a minute at Exhibit  
2 A to that Complaint.

3 A. Which one is it?

4 MR. DAVIS: It is the Complaint.

5 BY MR. ROCHE:

6 Q. And just take a look at the first page  
7 of Exhibit A. It is tabbed right there for you.

8 Do you see that you're copied on this  
9 email? Do you see that, Mr. Bump?

10 A. Yes.

11 Q. Do you recall receiving this email?

12 A. Yes.

13 Q. Okay. It is an email from your  
14 brother, Keith, to Karen Solt at the College of  
15 DuPage, and it begins by saying, "good  
16 afternoon, Karen. It was a great pleasure  
17 meeting with you and Kathy yesterday to discuss  
18 how well our programs would work together." Do  
19 you see that sentence?

20 A. Yes.

21 Q. Okay. Were you aware of a meeting that  
22 occurred between Keith and Karen on or about  
23 November 20, 2013?

24 A. I recall this meeting. I wasn't there.



1 Q. Do you recall who was at that meeting?

2 A. As I recall, it was Keith and Kyle, and

3 my recollection is Kathy and Karen.

4 Q. And do you recall who told you what was  
5 discussed during this meeting?

6 A. That would have been Keith.

7 Q. And what did Keith tell you?

8 A. I don't recall the specifics of the  
9 conversation.

10 Q. How did ACE come to learn that College  
11 of DuPage was interested in a surgical assistant  
12 program?

13 A. That was something that Kyle brought to  
14 our attention. And I don't know how Kyle, what  
15 his connection with them was.

16 Q. Back to the November 20th meeting. Do  
17 you recall if Kyle and Keith met Karen and Kathy  
18 in person?

19 A. That was my understanding, yes.

20 Q. You do not recall, though, what was  
21 discussed during that November 20th --

22 A. Not the particulars, no.

23 Q. Do you recall anything about what was  
24 discussed during that November 20th meeting?



1           A. Not -- as far as I know, it was just to  
2 see how we can proceed from this point on.

3           Q. Do you recall if Keith or Kyle  
4 transmitted any ACE information about the ACE  
5 surgical assistant program to Karen and Kathy at  
6 this November 20th meeting?

7           A. I don't know if it was the meeting.  
8 Obviously, in the email that things were sent.

9           Q. All right. And we'll get to that in a  
10 second.

11           Do you recall any communication from  
12 Keith Bump to you about who Karen Solt and Kathy  
13 Cabai were, what their positions at COD were?

14           A. I know at some point, I found out. I  
15 don't know if it was in this particular  
16 situation or not.

17           Q. Do you recall when you eventually found  
18 out what their respective positions at College  
19 of DuPage were?

20           A. It was around this time. I don't know  
21 if it was before this email or somewhat after.

22           Q. And do you remember what their  
23 positions were at COD?

24           A. I know that Kathy Cabai was program



1 director and Karen Solt was her boss. That's  
2 all I knew at that point.

3 Q. What was your understanding of Kathy  
4 Cabai's role at COD as program director?

5 A. She is in charge of certain programs  
6 that they were offering there.

7 Q. And what was your understanding of  
8 Karen Solt's role as Kathy's boss at COD?

9 A. Like in kind of like a dean position,  
10 not the full dean but maybe a somewhat under  
11 that, like an assistant dean or something like  
12 that. I don't know.

13 Q. Upon learning of Karen Solt and Kathy  
14 Cabai's respective positions at COD, was it your  
15 understanding that either of them had the  
16 authority to enter into a contract with ACE?

17 A. Absolutely. It has been my experience  
18 over many years that people at the director  
19 position, not necessarily in colleges but people  
20 I deal with, various hospitals and hospital  
21 systems, the director, the people at director  
22 level are absolutely allowed to make decisions  
23 on behalf of their organizations.

24 Q. I may have asked this earlier, but has



1 ACE ever contracted with an academic institution  
2 to provide the ACE surgical assistant program?

3 MR. DAVIS: Asked and answered.

4 THE WITNESS: No.

5 MR. DAVIS: You have asked it and he  
6 answered it.

7 BY MR. ROCHE:

8 Q. And the answer is no?

9 A. No.

10 Q. Okay. Other than the two colleges that  
11 we discussed earlier, has ACE ever attempted to  
12 enter into consortiums with academic  
13 institutions?

14 MR. DAVIS: Asked and answered. You  
15 already answered it.

16 BY MR. ROCHE:

17 Q. You can answer it.

18 MR. DAVIS: You can answer it.

19 THE WITNESS: No.

20 BY MR. ROCHE:

21 Q. Back to the November 20th meeting  
22 between the four Ks: Karen, Kathy, Kyle and  
23 Keith.

24 A. I never thought about it that way.



1 Q. Do you recall, Mr. Bump, if there were  
2 any discussions about entering into a  
3 confidentiality agreement between ACE and the  
4 College of DuPage?

5 A. I don't know at that particular  
6 meeting. At some point it did come up and that  
7 was all left with the lawyers forever.

8 Q. Do you remember when that -- those  
9 discussions came up?

10 A. No. I would have to say the same  
11 thing. I was around this time period, around  
12 the time period of this email.

13 Q. Okay. Let's focus on Mr. Bump's email  
14 to Ms. Solt.

15 A. This one?

16 Q. Yes.

17 The second sentence provides, "I am  
18 sorry I didn't get this to you last night, but I  
19 didn't get to my stopping point until after  
20 midnight. I have attached the full  
21 presentation, as well as the program catalog,  
22 consortium agreement and the syllabus."

23 Let me show you another exhibit.

24



(Whereupon, Bump Deposition  
Exhibit No. 9 was marked for  
identification.)

BY MR. ROCHE:

Q. Exhibit 9. Have you seen this document before, Mr. Bump?

A. Yes.

Q. Okay. And I direct your attention to request number 9 which is on page 3.

A. Okay.

Q. This request sought documents -- sought the attachments to the email attached as Exhibit A to this complaint and the response was ACE1001 to 1068. Do you see that?

A. Yes.

Q. Okay. If you could turn to Exhibit 4.  
No. I'm sorry. Exhibit 5, which is the program catalog and master curriculum.

Would you agree that this document, both the program catalog and the master curriculum, were attached as an exhibit to Keith Bump's email on November 21st?

A. Yes.

Q. Okay. You'll notice that -- I will



1 show you another exhibit.

2 (Whereupon, Bump Deposition

3 Exhibit No. 10 was marked for  
4 identification.)

5 BY MR. ROCHE:

6 Q. I will show you what's been marked as  
7 Exhibit 10 to your deposition, Mr. Bump. Do you  
8 recognize this document?

9 A. Yes.

10 Q. What is it?

11 A. It is a PowerPoint presentation, I  
12 think. Well, his version of PowerPoint that he  
13 went over with them in this meeting is what I'm  
14 assuming.

15 Q. Who is he?

16 A. Keith.

17 Q. You're referring to your answer?

18 A. Keith Bump.

19 Q. Keith Bump. And was this proposal part  
20 of one of the -- strike that.

21 Was this proposal one of the  
22 attachments that was sent as Exhibit A?

23 A. This? Oh, yeah. He does call it  
24 proposal. This presentation is what you're



1 talking about, right?

2 Q. What has been marked as Exhibit 10,  
3 yes.

4 A. Yes.

5 (Whereupon, Bump Deposition  
6 Exhibit No. 11 was marked for  
7 identification.)

8 BY MR. ROCHE:

9 Q. I will show you what's been marked as  
10 Exhibit 11 to your deposition, Mr. Bump. Do you  
11 recognize this document?

12 A. Yes.

13 Q. Is this document another one of the  
14 attachments that was part of Exhibit A?

15 A. Yes.

16 Q. The Exhibit A email?

17 A. Yes.

18 Q. Does Keith -- well, did Keith Bump,  
19 before he sent this email, Mr. Bump, did he  
20 discuss the contents of the email that -- did he  
21 discuss the contents of this email to you before  
22 you sent the email?

23 A. Yes.

24 Q. Did he approve what was in this email?



1 A. Yes.

2 Q. This email contains the program catalog  
3 and the syllabi.

4 A. Uh-huh.

5 Q. And this email also contains what  
6 you -- what ACE claims in this litigation  
7 constitutes some of its trade secrets?

8 A. Uh-huh.

9 Q. Is there anywhere in this email  
10 attached as Exhibit A to the Complaint that  
11 indicates that the information that Keith Bump  
12 is transmitting to Ms. Solt at College of DuPage  
13 is confidential to ACE?

14 A. Not in this email.

15 Q. Does Keith Bump in this email state  
16 that the information he is sending as an  
17 attachment is ACE's trade secret information?

18 A. No.

19 Q. After this email was sent, Mr. Bump,  
20 did you contact anyone at the College of DuPage,  
21 including Ms. Solt and Ms. Cabai, and notify  
22 them that the attachments to this email was  
23 ACE's confidential information?

24 A. No.



1       Q.     Did you contact anyone at COD after  
2 this email was sent and notify them that some of  
3 the attachments to this email were ACE's trade  
4 secrets?

5       A.     No.

6       Q.     Why not?

7       A.     It didn't become evident to me that  
8 sending that information would be -- would be  
9 information that we would want to just maintain  
10 between us until later on, after they started  
11 using it in ways that we didn't appreciate.

12      Q.     But you would agree that at the time  
13 representatives of the College of DuPage  
14 received these attachments on November 21st of  
15 2013, they were unaware that this was what ACE  
16 considered to be its trade secrets?

17      A.     No. I wouldn't agree to that at all.  
18 I'm answering questions related to this email.

19      Q.     Okay. Would you agree, though -- well,  
20 strike that.

21           Let's turn to the consortium proposal  
22 which is Exhibit 10. Would you agree, Mr. Bump,  
23 from reviewing this document, that this is a  
24 proposal to enter into a consortium with the



1 College of DuPage?

2 A. I would agree that this is a document  
3 that expresses in presentation form what a  
4 consortium agreement might look like.

5 Q. Okay. Do you remember whether or  
6 not -- back to this November 20th in-person  
7 meeting before the -- with the four Ks. Do you  
8 recall there ever being any discussion as to who  
9 would teach the skills lab?

10 A. I don't know that that was a discussion  
11 at that point or not. That definitely came up  
12 at some time after this. And my initial thought  
13 process was that we would teach it for them.  
14 Later on, they wanted to propose -- repropose to  
15 us that Kathy could teach that lab for them if  
16 we taught her how.

17 Q. If you could turn to, in that proposal,  
18 ACE1066, the last bullet point. Actually, below  
19 that. The last portion of that, surgical  
20 assistance makes 75 to \$200,000 per year. Do  
21 you see that?

22 A. Yes.

23 Q. And do you know where that information  
24 came from?



1       A. It originally came from the CAAHEP  
2 website. They've since taken that down. I  
3 think maybe in the last year or so.

4       Q. At the time of this proposal was sent,  
5 ACE was not accredited or certified with CAAHEP?

6       A. No, we still had access to their  
7 website and things that they were stating  
8 regarding income. They've now taken the  
9 substance that that's not their place to state  
10 what income would be.

11      Q. Was -- I'm sorry. I don't want to  
12 argue with you, but that wasn't my question. My  
13 question simply was at the time this proposal  
14 was sent, was ACE certified with CAAHEP?

15      A. No.

16      Q. If you could turn to ACE1067. Notice  
17 the middle, towards the end, under the salary  
18 representation, it also indicates, ACE has  
19 partnerships with many hospitals in the State of  
20 Illinois. Do you see that?

21      A. Yes.

22      Q. Simple question. What hospitals did  
23 ACE have partnerships with in 2013?

24      A. Any hospital that we were training one



1 of their people in, we have clinical affiliation  
2 agreements with so they can do their clinicals  
3 there.

4 Q. And ACE had those affiliations with  
5 hospitals in Illinois?

6 A. Yes.

7 Q. At this time?

8 A. Yes.

9 Q. Do you remember which hospitals?

10 A. No. No.

11 Q. All right.

12 A. We have affiliations with over 300  
13 hospitals around the country. So I don't  
14 remember them all.

15 (Whereupon, Bump Deposition  
16 Exhibit No. 12 was marked for  
17 identification.)

18 BY MR. ROCHE:

19 Q. I will show you what's been marked as  
20 Exhibit 12 to your dep -- deposition. I just  
21 want to ask you a couple questions about the  
22 middle email on this ACE0001, the email from  
23 Kathy Cabai to Keith Bump. Her last question in  
24 this, it says, "can you please tell me what the



1 credentials are for the folks teaching the  
2 online course portions."

3 And here's my question: Are you aware,  
4 Mr. Bump, if Keith Bump or Kyle Black told  
5 either Kathy Cabai or Karen Solt a teacher would  
6 be teaching the online portion of the ACE  
7 program?

8 A. I don't understand the question.

9 Q. Do you know if Keith Bump or Kyle told  
10 Kathy Cabai that a teacher would be teaching the  
11 online module of the ACE surgical assistant  
12 program?

13 A. As compared to what? I mean -- you  
14 mean like get on a website with them and give  
15 them lectures and stuff? No, they wouldn't have  
16 told her that.

17 Q. Okay.

18 (Whereupon, Bump Deposition  
19 Exhibit No. 13 was marked for  
20 identification.)

21 BY MR. ROCHE:

22 Q. Why would they have not told her that,  
23 Mr. Bump?

24 A. Because that's not what we were doing.



1 And your question is subjective. One person  
2 might think, well, teaching online like we do,  
3 yeah, teachers teaching that. Another might say  
4 well, no, they're not. They're not giving  
5 lecture and such in a classroom.

6 Q. Next exhibit, No. 13. This is a  
7 series -- it is an email thread discussing  
8 trying to get the certain individuals between  
9 ACE and COD together for a Skype conference?

10 A. Uh-huh.

11 Q. And I'm just using the dates as a point  
12 of reference. My understanding is a Skype  
13 conference never occurred but a telephone  
14 conference occurred in the early part of  
15 December of 2013. My question is: Do you  
16 remember participating in a telephonic  
17 conversation with representatives of COD?

18 A. Yes.

19 Q. And I'm not trying to trick you. I'm  
20 just trying to see if you recall the actual date  
21 of that telephonic conversation?

22 A. No.

23 Q. Do you recall what was discussed during  
24 that conversation?



1           A.     The big part of that discussion was  
2 would we be willing to engage with Blackboard.

3           Q.     We being ACE?

4           A.     Yes.

5           Q.     Who was on the telephone conference  
6 call to the best of your recollection? Who  
7 participated?

8           A.     Karen, Kathy, somebody from their IT  
9 department, and I think the dean might have been  
10 there, at least for part of it.

11          Q.     Jeanne Carthy. Do you recall?

12          A.     That doesn't sound familiar.

13          Q.     It does not?

14          A.     No.

15          Q.     Who was present or -- well, aside from  
16 the individuals that you just identified and  
17 yourself, was anyone else present for the  
18 telephonic conference call?

19          A.     I think Keith was.

20          Q.     Do you recall if Kyle Black  
21 participated in this conference call?

22          A.     I don't recall.

23          Q.     Do you recall how long this telephonic  
24 conference lasted?



1 A. Half an hour, maybe.

2 Q. Was this your first communication with  
3 representatives at the College of DuPage, direct  
4 communication?

5 A. Yeah. Direct. Yeah.

6 Q. During this conversation do you recall  
7 if Kathy Cabai told you what her position was at  
8 the College of DuPage?

9 A. I think everybody introduced themselves  
10 and what they did at that meeting.

11 Q. Do you recall if Tom Cameron was?

12 A. That sounds familiar.

13 Q. Participated?

14 A. Yes.

15 Q. On this conference call?

16 A. Yes. I don't remember who he is  
17 exactly, but I'm pretty sure Tom Cameron was  
18 there.

19 Q. With respect to the dealing with  
20 Blackboard issue that you discussed, what  
21 exactly do you recall the conversation about  
22 dealing with Blackboard was, what it involved?

23 A. The conversation had to do with, first  
24 of all, we expressed that we had a custom made



1 student interface with our school, but that they  
2 would rather utilize the one that their students  
3 were used to and kind of to maintain their  
4 standards whenever they meant when they said  
5 that. They hadn't seen our customized website.

6 Q. Aside from the issue surrounding  
7 Blackboard, do you recall any other topics of  
8 discussion during this conference call?

9 A. That seemed to be the big one. How  
10 were we going to be able to employ that service  
11 or not and the idea that when their students  
12 went there, they wanted to see pretty much the  
13 same thing as when they -- when their own  
14 students utilized their online services.

15 Q. During this telephone call, Mr. Bump,  
16 did you communicate to anyone at the College of  
17 DuPage that the program catalog and master  
18 curriculum that had been previously been sent to  
19 the College of DuPage was ACE's confidential  
20 information?

21 A. Not that I recall.

22 Q. Do you recall Keith communicating  
23 during this telephone call that the program  
24 catalog and master curriculum were ACE's



1 confidential information?

2 A. Not that I recall.

3 Q. Were the terms of the consortium  
4 agreement, which is Exhibit 11, were the terms  
5 set forth in that agreement discussed during  
6 this conference call?

7 A. Oh, at this meeting? I don't believe  
8 so.

9 Q. During this telephonic conference call,  
10 did ACE make an offer?

11 A. No, I believe that before then, the  
12 offer was already made in the proposal that we  
13 went over, or at least the beginnings of the  
14 offer.

15 Q. What do you mean by beginnings of the  
16 offer?

17 A. Because most offers, you put something  
18 out there and it is negotiated back and forth  
19 and you end up with a final offer.

20 Q. During this telephone conversation were  
21 any of the terms -- and we can go through this  
22 proposal, were any of the terms discussed in the  
23 consortium proposal discussed?

24 A. No.



1 Q. Was there any discussion about the  
2 proposed cost of the surgical assistant program?

3 MR. DAVIS: Objection. If you asked  
4 about the terms, the cost would be one of the  
5 terms. So he's already answered that question.

6 BY MR. ROCHE:

7 Q. You can answer.

8 A. No.

9 Q. Do you recall during this telephone  
10 conversation, Mr. Bump, if the College of DuPage  
11 issued its own offer to have the surgical  
12 assistant consortium?

13 A. No.

14 Q. Do you recall during this telephone  
15 conversation if anyone at COD told you or Keith  
16 that they accepted the terms set forth in the  
17 consortium proposal?

18 A. No.

19 Q. Do you recall during this telephone  
20 conversation if there was any discussion on the  
21 College of DuPage approval process for the  
22 surgical assistant program?

23 A. I mean, we went through that  
24 discussion. I don't know whether it was at that



1 meeting or some other meeting.

2 Q. Okay. Do you remember when that  
3 discussion occurred?

4 A. No.

5 Q. Was that discussion over the phone?

6 A. It feels like we had discussion  
7 somehow, either during this meeting or on the  
8 phone, as to the fact that they would have to  
9 submit it to the state and the state would have  
10 to approve it and the curriculum had to be  
11 modified in format, not in content, in order to  
12 get through the state approval process.

13 Q. Do you remember who communicated that  
14 information to you?

15 A. Yeah. That would have been Kathy.

16 Q. Kathy Cabai?

17 A. Uh-huh.

18 Q. Was anyone else present when Kathy  
19 communicated this to you?

20 A. Not that I recall. Plenty of emails  
21 related to that subject, though.

22 Q. And we'll get to those.

23 During this conference call, Mr. Bump,  
24 do you recall if you or Keith offered to provide



1 online access to COD to its SurgiNet program?

2 A. No.

3 Q. No, you don't recall?

4 A. No, I don't recall.

5 Q. That discussion?

6 A. No.

7 Q. Do you recall how the conversation  
8 ended?

9 A. Apparently. They just went through a  
10 list of things they wanted to talk about and  
11 everybody agreed that the meeting was over.

12 Q. Do you recall if any next steps were  
13 discussed in terms of moving forward with the  
14 proposed consortium?

15 A. Yeah. The next steps had to do with us  
16 contacting Blackboard and making arrangements in  
17 line with our discussions.

18 Q. Do you remember -- do you recall any  
19 discussions between this conference call that  
20 we've discussed and December 9th, 2013, between  
21 ACE and the College of DuPage?

22 A. This discussion was November the 20th,  
23 right? And you're saying if anything transpired  
24 between that date and when? December 9th?



1 Q. No. The telephone conference we just  
2 discussed.

3 A. Uh-huh.

4 Q. Did that occur after November 21st,  
5 2013, to the best of your recollection?

6 A. The one where we talked about the state  
7 approval process?

8 Q. The one that -- no. The one in which  
9 Blackboard was discussed.

10 A. That was at that meeting.

11 Q. That was at the November 21st meeting?

12 A. Oh. We're talking -- I'm sorry. When  
13 was the meeting we were talking about? The  
14 Skype meeting is what you're talking about?

15 Q. Yes.

16 A. Okay. The conversations about  
17 Blackboard were at the Skype meeting.

18 Q. Right. And did that Skype meeting  
19 occur after November 21st, the email attached as  
20 Exhibit A to the Complaint?

21 A. My recollection is it did occur after  
22 that.

23 Q. It did?

24 A. Yes.



1 Q. I will show you another exhibit.

2 (Whereupon, Bump Deposition  
3 Exhibit No. 14 was marked for  
4 identification.)

5 BY MR. ROCHE:

6 Q. I will show you what's been marked as  
7 Exhibit 14 to your deposition, Mr. Bump. Do you  
8 recall receiving this email?

9 A. Yes.

10 Q. You testified earlier that -- well,  
11 let's go back. Exhibit 3, the interrogatory  
12 answers. Do you see answer to number 7 which is  
13 on page 2? It says, "state the date of the  
14 contract between ACE and COD." The answer is  
15 "December 9, 2013."

16 A. Okay.

17 Q. If you could go back to the most recent  
18 exhibit, this email thread, on the first part of  
19 the thread or the last part is from Karen Solt  
20 to Keith Bump. It is at the top of ACE0550. It  
21 provides, "good morning, Keith. I think our  
22 discussion was a great one and we are at this  
23 point ready to move forward on our part."

24 Do you consider the date of contract of



1 December 9th, 2013 to be that date because of  
2 the statement issued by Ms. Solt in this email?

3 A. That's what I would put it. And  
4 everything that occurred thereafter is  
5 consistent with that.

6 Q. What were the terms of the contract  
7 that the College of DuPage accepted on December  
8 9, 2013?

9 A. Pretty much the same terms as were in  
10 the written contract that we had.

11 Q. You testified earlier that you do not  
12 recall if the terms of the written proposal  
13 consortium agreement were discussed during the  
14 Skype conference?

15 A. Correct.

16 Q. Did you have any other discussions  
17 prior to December 9, 2013 with representatives  
18 of the College of DuPage about the terms in the  
19 written contract?

20 A. No. The terms of the written contract,  
21 it was in their possession and then added to  
22 that the statement that we're moving forward.

23 Q. And could you take a look at the next  
24 sentence after that? It says, "that consists of



1 putting the curriculum through our college  
2 process and then on to the state's approval  
3 system."

4 A. Uh-huh.

5 Q. Were you aware, Mr. Bump, at this time  
6 that the College of DuPage needed to obtain  
7 additional approval to provide the surgical  
8 assistant program as of December 9th, 2013?

9 A. Yes. Yes.

10 Q. Was it your understanding at this time  
11 if the College of DuPage did not obtain state  
12 approval, that it could not provide the surgical  
13 assistant program?

14 A. That's a given, yes.

15 Q. Was it also your understanding that if  
16 the College of DuPage did not obtain internal  
17 approval among the college, that it would be  
18 unable to provide the surgical assistant program  
19 as contemplated in the consortium agreement?

20 A. There was internal approval within the  
21 college.

22 Q. Right. But was it your understanding  
23 that absent internal approval, the College of  
24 DuPage would not be able to enter into a



1 consortium with ACE?

2 A. I don't understand the question. I  
3 said there was internal approval, and so the  
4 question, if they didn't, seems irrelevant to  
5 me.

6 Q. Are you aware of any discussions about  
7 the consortium agreement that was sent to the  
8 college on November 21, 2013 between Keith Bump  
9 and the College of DuPage?

10 A. Written discussions or like over the  
11 phone?

12 Q. Either.

13 A. And what dates?

14 Q. Before December 9th, 2013. Do you  
15 recall if Keith Bump had any communications with  
16 the College of DuPage about the terms of the  
17 consortium agreement prior to December 9th,  
18 2013?

19 A. I remember that there were additional  
20 conversations relating to reimbursement for the  
21 program. So I believe that in one of these  
22 exhibits, it -- the exhibit about the consortium  
23 agreement here, it shows that reimbursements to  
24 ACE would be in the amount of 43.80. And so



1 this is the contract that we submitted to them  
2 prior to finding out that Kathy Cabai was going  
3 to be teaching the course itself, instead of  
4 relying on us to teach it. And so we discussed  
5 another -- another amount that's reduced from  
6 this amount. I believe it was 3,280 or  
7 something.

8 Is it all right to take this?

9 MR. ROCHE: Yeah. Of course. Take a  
10 break.

11 (Whereupon, a short break was  
12 taken.)

13 (Whereupon, the record was read  
14 as requested.)

15 BY MR. ROCHE:

16 Q. Were you ever made aware, Mr. Bump,  
17 that -- well, strike that.

18 Did the College of DuPage ever sign the  
19 consortium agreement stamped ACE1059 to 1062 and  
20 identified as exhibit -- I don't remember the  
21 exhibit number for the consortium. The number.  
22 Exhibit 11 to your deposition. Do you remember  
23 if anyone from the College of DuPage ever signed  
24 that?



1       A. No. If they had signed it, it wouldn't  
2 have been this one either. It would have been  
3 the one with new pricing structure in it.

4       Q. Did the one with the new pricing  
5 structure contain other terms that were  
6 different from what's in front of you as  
7 Exhibit 11?

8       A. No.

9       Q. Did anyone from ACE ever sign what's  
10 marked as Exhibit 11?

11      A. I signed it. I sent it off for them,  
12 and then it got stuck in the legal department.  
13 But in the meantime, we proceeded as though  
14 there were an agreement.

15      Q. Go ahead.

16      A. And everything that proceeded from  
17 there was exactly as though we had an agreement  
18 to proceed.

19      Q. Is your signature on Exhibit 11?

20      A. I think so. Let me check. No. I  
21 thought I saw one, though, where my signature  
22 was. Where did the -- is there another place,  
23 another exhibit where this is located?

24      Q. Yes.



1 MR. DAVIS: It is not this one. It is  
2 later.

3 MR. ROCHE: You're right. I'm sorry.

4 THE WITNESS: It is not in here  
5 somewhere.

6 MR. DAVIS: It is not.

7 MR. ROCHE: No.

8 BY MR. ROCHE:

9 Q. Okay. Let's move on.

10 (Whereupon, Bump Deposition  
11 Exhibit No. 15 was marked for  
12 identification.)

13 BY MR. ROCHE:

14 Q. I will show you what's been marked as  
15 Exhibit 15 to your deposition, Mr. Bump.

16 The question is: Is the consortium  
17 agreement appended as an attachment to Exhibit  
18 15 the same consortium agreement that was sent  
19 to the College of DuPage and identified as  
20 Exhibit 11?

21 A. It looks like it. I see the -- yes.

22 Q. And this exhibit, Exhibit 15, the first  
23 page is an email from you to Kyle Black at YEHSS  
24 in which it states, "hi, Kyle. Here is a copy



1 of our consortium contract so you'll know what  
2 we are going after and what a commission might  
3 look like. I'm open to suggestions. Thanks.  
4 And I enjoyed our discussion today. " Do you see  
5 that?

6 A. Yes.

7 Q. Do you also see the title of the  
8 attachment, what it is called on the first page?

9 A. Under subject?

10 Q. Do you see where it states consortium  
11 agreement template?

12 A. Oh, yes. Yes.

13 Q. Do you see that?

14 A. Yes.

15 Q. Was the contract a template of what a  
16 consortium agreement would look like?

17 A. Yes.

18 Q. Okay.

19 A. With details to be negotiable.

20 (Whereupon, Bump Deposition  
21 Exhibit No. 16 was marked for  
22 identification.)

23 BY MR. ROCHE:

24 Q. I will show you what's been marked as



1 Exhibit 16.

2 Do you recall receiving this email,

3 Mr. Bump?

4 A. Yes.

5 Q. Do you notice at the bottom of the  
6 first page, ACE 0544, it is an email from Tom  
7 Cameron to Kyle Black, provides, "Karen, don't  
8 forget to find out what learning management  
9 system they use. I'm almost certain it will  
10 have to be Blackboard or BB."

11 A. Yes.

12 Q. Okay. Do you see that?

13 A. Yes.

14 Q. You testified earlier that the  
15 Blackboard was comprised a majority of the  
16 telephonic conversation that you had initially  
17 with ACE?

18 A. That's my recollection.

19 Q. Was an agreement ever reached during  
20 that conversation as to what learning management  
21 system would be utilized for this consortium?

22 A. The Blackboard.



1 (Whereupon, Bump Deposition  
2 Exhibit No. 17 was marked for  
3 identification.)

4 BY MR. ROCHE:

5 Q. I will show you what's been marked as  
6 Exhibit 17. This is another email thread.

7 Do you recall being or reviewing this  
8 email thread?

9 A. The entire thread or just the top part?

10 Q. You know what? That was a bad  
11 question.

12 Let's look at the bottom of the first  
13 page, ACE 0421. It is an email from you to  
14 Karen Solt. Do you see that?

15 A. Yes.

16 Q. Okay. My question -- take a look, read  
17 that email, but my question is: Do you remember  
18 sending that email to Karen?

19 A. Yes.

20 Q. Okay. In this email, you state that it  
21 was your understanding during the conference  
22 call you had, that ACE would be utilizing or  
23 this email -- strike that.

24 In this email, you seem to indicate



1 that it was your or you state that it was your  
2 understanding that the program would be run from  
3 your system?

4 A. Yeah. Well, in the -- in the Skype  
5 conversation that we had, Blackboard was the  
6 major part of the discussion. There weren't  
7 decisions made around that discussion until  
8 later.

9 Q. Oh, all right. I misunderstood your  
10 testimony. Ultimately, did ACE agree to utilize  
11 the Blackboard system as the learning management  
12 system for the consortium?

13 A. Yes, yes. And it happened some time  
14 after receiving these emails about how important  
15 that was to them.

16 (Whereupon, Bump Deposition  
17 Exhibit No. 18 was marked for  
18 identification.)

19 BY MR. ROCHE:

20 Q. Exhibit 18. I will show you what's  
21 been marked as Exhibit 18 to your deposition,  
22 Mr. Bump. My question is: Have you ever seen  
23 this document before?

24 A. If I remember correctly, this is the



1 document that was produced as -- remember I said  
2 they had to re-format our structure of our  
3 program, our content of the program into a  
4 format that would be accepted by the state. I  
5 believe this is the result of that work.

6 Q. Do you recall ever receiving that  
7 document in 2013 or 2014?

8 A. I don't recall.

9 Q. Do you recall ever?

10 A. I think, having seen it, I believe I  
11 did see it, but I don't recall at what point.

12 Q. Okay. Let's turn to the second page of  
13 this document, Bates stamped defendant's  
14 production 2301. Under number 1C, related  
15 occupations, it states that, the second  
16 sentence, "to qualify for admission, students  
17 must be a certified surgical technologist or  
18 perioperative registered nurse." Do you see  
19 that?

20 A. Yes.

21 Q. At this time did the ACE surgical  
22 assistant program accept candidates other than  
23 certified surgical techs and perioperative RNs?

24 A. Yes.



1           Q.   Would you agree that limiting  
2 enrollment to certified surgical technologists  
3 or perioperative registered nurses would  
4 decrease the ultimate enrollment in any surgical  
5 assistant program?

6           A.   Yes. The -- can I add something to  
7 that?

8           Q.   Yes.

9           A.   The agreement we had with them wasn't  
10 to be mutually exclusive, in other words, they  
11 could accept the people that they wanted to  
12 enroll in this and we could enroll the rest of  
13 them in our program. Like we could still  
14 continue to accept on-the-job trained techs and  
15 NPs, PAs and doctors into the program while they  
16 would be accepting these admissions. In other  
17 words, it didn't limit us from still accepting  
18 other people into our program.

19           Q.   It didn't impact ACE's surgical  
20 assistant program?

21           A.   No. Well --

22           MR. DAVIS: Object to the form. This is  
23 a COD document.



1 BY MR. ROCHE:

2 Q. COD limited -- COD's decision to limit  
3 its program to certified surgical techs and  
4 perioperative RNs did not impact ACE's ability  
5 to provide ACE's program to other medical  
6 services professionals?

7 A. Correct, correct.

8 Q. All right. If you could turn to  
9 defendant's production number 2308. See in the  
10 bottom of this page 1-C, enrollment chart. Do  
11 you see that, Mr. Bump?

12 A. Yes.

13 Q. Okay. And it states that provide an  
14 estimate of enrollments and completions over the  
15 first three years of the program. Include  
16 separate figures for each program. Do you see  
17 in the first column, first row, and first  
18 column, first year, 8-10?

19 A. Yes.

20 Q. Do you see the second year, second  
21 column, first row, 10-12?

22 A. Yes.

23 Q. Third year, 12-15?

24 A. Yes.



1 Q. Was it -- you do remember -- I'm just  
2 trying to remember if I recall correctly. But  
3 you do recall reviewing this document at one  
4 point in time; is that right?

5 A. Yes.

6 Q. Okay. Do you recall reviewing this  
7 particular part of the Form 20?

8 A. Yes.

9 Q. Okay. And was that -- was the  
10 projected enrollment figures that COD put in  
11 here in the Form 20, was that consistent with  
12 your understanding of what the enrollments would  
13 look like under a proposed consortium with ACE?

14 A. No.

15 Q. Why not?

16 A. Well, when I saw this I just figured  
17 this is the kind of projection that is needed to  
18 get through the approval process with the state,  
19 in other words, an underestimated amount. And  
20 their projections -- we had our own perceptions  
21 of what the enrollments would be like.

22 And in addition, they used certain  
23 projections with us that aren't reflected in  
24 this. For instance, Kathy Cabai said that upon



1 instituting this program, there are at least 200  
2 past graduates of our surgical tech program that  
3 have responded to a survey saying they want to  
4 enroll in this program. So she's dangling this  
5 200 figure in front of us.

6 Here's the other thing that we know  
7 would have happened beyond this. We would have  
8 been completely able to recover what we lost  
9 from losing CAAHEP. In other words, our  
10 enrollment, what we would have brought to the  
11 table for college degree to become would have  
12 been double the enrollments we were currently  
13 getting because, once again, we would have the  
14 imprimatur, the CAAHEP accreditation to appeal  
15 to those in that market.

16 So they said here's what we can bring  
17 and here's what we can -- and we said here's  
18 what we can bring, and it was well beyond this  
19 estimate. And I didn't see this submission to  
20 the state as cancelling out the anticipation of  
21 those enrollments.

22 Q. Did you ever communicate with  
23 representatives at the College of DuPage -- do  
24 you recall any discussions you had with



1 representatives of the College of DuPage about  
2 the enrollment projections that the college put  
3 in this Form 20 document?

4 A. No.

5 Q. You just indicated that Kathy Cabai  
6 stated that at least 200 postgraduate surgical  
7 technologists?

8 A. From her program.

9 Q. From her program indicated that they  
10 would enroll in the surgical assistant program?

11 A. Yes. That was going to be like first  
12 year projections, understanding they didn't come  
13 through, but still.

14 Q. Did Kathy Cabai communicate that to  
15 you?

16 A. And Keith. I'm not sure if Kyle was  
17 there or not.

18 Q. Was it during a conversation, a  
19 telephonic conversation?

20 A. I don't recall.

21 Q. Do you recall if it was communicated --

22 A. It wasn't by email. It was either  
23 telephonic or in person with Keith because the  
24 first time I ever met Kathy was at the lab.



1 Q. And what exactly is your recollection  
2 of what Kathy Cabai represented to you?

3 MR. DAVIS: Asked and answered. She  
4 said she represented that she would get 200  
5 students as a result of a survey that she made.

6 BY MR. ROCHE:

7 Q. Did Kathy Cabai tell you that these 200  
8 students would enroll in the surgical assistant  
9 program?

10 A. Yes. And it wasn't just a guesstimate  
11 on her part. She said she had done a survey or  
12 something of that nature. So the first year  
13 outlook was going to be 200 students plus the 75  
14 or 80 we could bring along with it, because now  
15 past prospects who wanted a surgical assistant  
16 program that was CAAHEP accredited, we would  
17 shunt those people into that program. We  
18 wouldn't have to tell people no, we're not  
19 CAAHEP accredited anymore and have them go  
20 looking somewhere else.

21 So if they had stuck with us, it  
22 wouldn't be 8 to 10. Even if the 200 didn't  
23 come along, it would be at least 75 to 80  
24 students more besides what they were able to



1 provide from their graduates.

2 Q. Was it ever your understanding during  
3 this entire interaction with the College of  
4 DuPage that the college would be providing the  
5 surgical assistant program on a semester-tiered  
6 basis?

7 A. I believe there was that discussion.

8 Q. Was there any communications during  
9 ACE's proposed partnership with the College of  
10 DuPage in which anyone at the college told ACE  
11 that enrollment would be on a monthly basis?

12 A. I don't believe that there was that  
13 discussion.

14 Q. Have you ever --

15 A. That all came about with our discussion  
16 of what format does it have to be in to get it  
17 through state approval.

18 Q. Did you ever physically visit the lab  
19 that the College of DuPage has in its building?

20 A. No.

21 Q. Were there ever any representations to  
22 you made by any COD representative that the  
23 college could hold 200-plus students in its lab?

24 A. There weren't any discussions of that.



1 But it wouldn't be 200 students in any one lab;  
2 that would have to be limited to 12 to 15  
3 students per lab.

4 Q. How then was ACE -- or excuse me. How  
5 then was the College of DuPage going to be able  
6 to teach the lab if only 10 to 15 students could  
7 participate in the lab?

8 MR. DAVIS: Objection. Calls for  
9 speculation.

10 BY MR. ROCHE:

11 Q. Were there any discussions that you  
12 recall with any representatives at the College  
13 of DuPage about how the college would teach the  
14 lab with 200 students?

15 A. No, there was no discussion around  
16 that. In my mind, I calculated out if we have  
17 week-long lab, how many students can you train  
18 15 per lab. And so 52 times 15 is the number.  
19 That's a lot more than 200.

20 Q. So was it your understanding that the  
21 program between the College of DuPage and ACE,  
22 the lab would be taught once a week?

23 A. Well, I'm -- I would assume that  
24 whatever it takes. They're the ones that said



1 they would want to teach it. And if they were  
2 overextended, then we can just shunt those  
3 students into the labs I'm teaching, too.

4 Q. Do you recall any communications you  
5 had with representatives of the College of  
6 DuPage about how the lab would be taught?

7 A. Could you rephrase?

8 Q. Yeah. Let me rephrase. That was a bad  
9 question.

10 Do you recall any communications you  
11 had with representatives of the College of  
12 DuPage about how often the lab would be offered  
13 to students?

14 A. No. My assumption is that they can  
15 take care of whatever they say they can take  
16 care of.

17 Q. January 2014, do you recall what  
18 happened? Do you have any personal recollection  
19 of what happened with respect to the ACE and  
20 College of DuPage proposed partnership?

21 A. In January of 2014?

22 Q. Uh-huh.

23 A. I don't have any specific date  
24 recollections.



1 Q. Okay. You testified earlier that you  
2 did not meet Kathy Cabai in person until she  
3 attended the lab in Denver.

4 A. Correct.

5 Q. Did you ever meet Karen Solt  
6 personally?

7 A. No.

8 Q. Did you ever meet Tom Cameron  
9 personally?

10 A. No.

11 Q. Did you ever meet anyone other than  
12 Kathy Cabai, who is affiliated with the College  
13 of DuPage, personally?

14 A. No.

15 Q. Do you recall, in January of 2014, what  
16 was going on with the Blackboard integration  
17 between ACE and Blackboard?

18 A. The only thing I remember -- and it is  
19 not related to date. The only thing I remember  
20 is there were ongoing phone conversations, and  
21 we were just waiting for, in particular, the  
22 college to pull the trigger on it and say let's  
23 go ahead and do this. The Blackboard.

24 Q. Did Blackboard ever approve -- well,



1 let me ask it this way.

2 Did ACE ever have to obtain approval  
3 from Blackboard to utilize Blackboard's learning  
4 management system?

5 A. I mean, it is just a matter of  
6 purchasing it. I don't think it takes  
7 Blackboard's approval. I don't think they  
8 decide based upon their prospects which ones  
9 they will provide it to and which ones they  
10 won't.

11 Q. Did ACE ever purchase the Blackboard  
12 license?

13 A. No.

14 (Whereupon, Bump Deposition  
15 Exhibit No. 19 was marked for  
16 identification.)

17 BY MR. ROCHE:

18 Q. I direct your attention to Exhibit  
19 No. 19, Mr. Bump.

20 Do you recall receiving that email,  
21 along with the attachment?

22 A. This is the attachment right here?

23 Q. Yes.

24 A. Yeah, I believe I remember this.



(Whereupon, Bump Deposition  
Exhibit No. 20 was marked for  
identification.)

BY MR. ROCHE:

Q. I'm showing you what's been marked as Exhibit 20 to your deposition. It is an email Bates labelled ACE0503.

Do you remember, Mr. Bump, sending this email to Kyle Black on or about February 21, 2014?

A. Yeah. I remember this.

Q. Okay. Was it your understanding, Mr. Bump, that as of February 21st or so, when you sent this email to Mr. Black, that you would be teaching the skills lab for the proposed partnership?

A. That was the understanding up to this point, or at least not up to this point but at some time before this discussions began about whether or not Kathy could teach the lab instead of me.

Q. What did the contract provide as to who would -- as to who would be teaching the lab?

A. The original contract was that I would



1 be teaching the lab.

2 Q. This email goes on to state, in the  
3 second sentence, it provides, "I am a little  
4 reticent about having the college teach the  
5 course in any of its aspects because they may  
6 want to wonder why they need us anymore at some  
7 point."

8 Do you recall what you meant by that  
9 statement?

10 A. Well, if they had everything that we  
11 had, there may -- I mean, there may be some  
12 attempt to take it rather than just to utilize  
13 our services.

14 Q. Okay. Well --

15 A. And it's turned out to be true.

16 Q. Well, at this point in time, the  
17 College of DuPage already had its own lab; is  
18 that right? Is that your understanding?

19 A. They have a lab. They didn't have a  
20 lab for surgical assistants. They had a lab  
21 that they used for their surgical techs.

22 Q. What would be the difference between a  
23 lab for surgical assistants and a lab for  
24 surgical techs?



1       A. If you remember the difference in the  
2 job description, techs are -- they have to know  
3 how to set up a sterile field, how to hand  
4 instruments to surgeons correctly. And if they  
5 do a lab where they set up like a simulated lab  
6 for what they would do in surgery, it would be  
7 how to hand instruments, how to set up, how to  
8 drape a patient, you know, all those various  
9 things.

10           A lab for an assistant would be how you  
11 do this particular kind of dissection, how you  
12 do these particular kinds of ties, how you  
13 ligate vessels and all those kinds of things.

14       Q. And could anyone who served in an  
15 operating room in any capacity, whether as a  
16 surgeon or an OR nurse, ascertain what  
17 instrumentation or materials would be necessary  
18 to convert a surgical tech lab into a surgical  
19 assistant lab?

20       A. Well, we were basically doing that by  
21 that budgetary item that we had, that was what  
22 materials would you need to convert that  
23 particular lab that you have into one that could  
24 train assistants.



1 Q. Could an -- okay. But my question is  
2 could an OR nurse or a surgeon who did not go  
3 through the ACE training program, could they  
4 readily determine, based on their experience and  
5 perhaps online research, what instrumentation  
6 and materials would be needed to conduct a mock  
7 surgical assistant lab?

8 A. Surgeons may be able to put that  
9 together, not a regular OR nurse.

10 Q. Any other type of medical services?

11 A. Surgeons.

12 Q. What about first assistants?

13 A. You mean like me?

14 Q. Could a first assistant -- would a  
15 surgical assistant, based on your knowledge and  
16 experience, be able to create a surgical  
17 assistant lab without having to go through the  
18 ACE training program?

19 A. Well, I mean, it wouldn't be like our  
20 lab. It would be a new creation of their own.  
21 And whether they could do better than I could or  
22 not as good as I did, that's speculation on my  
23 part.

24 Q. But could they create their own



1 surgical assistant lab, whether regardless of  
2 whether it is better or worse than your lab?

3 A. I imagine they could. If they came to  
4 me for help to do it, then, you know, if they  
5 attended my lab, for instance, and I think they  
6 went off and tried to recreate their own, that  
7 could be construed as theft of property as well.

8 Q. How so?

9 A. Take my ideas.

10 Q. Are people who sign up for the ACE  
11 surgical assistant lab required to sign any sort  
12 of confidentiality agreement?

13 A. No. I don't think that's -- I mean, if  
14 I had a lamp in my lab and they stole it from  
15 me, I didn't need to get them to sign anything  
16 that says you can't steal that from me.

17 Q. Is someone who signs up for the  
18 surgical assistant lab provided by ACE required  
19 to enter into any sort of non-disclosure  
20 agreement?

21 A. No.

22 Q. Is a student who signs up for the  
23 surgical assistant -- excuse me, surgical skills  
24 lab notified at all that the information that is



1 going to be provided to them during that lab is  
2 confidential to ACE?

3 MR. DAVIS: Asked and answered.

4 BY MR. ROCHE:

5 Q. You can answer.

6 A. I don't know where we say it, but it  
7 might be in a catalog or it might be in some of  
8 our other literature where we claim what we do  
9 as being proprietary. That's about as close as  
10 we get to that.

11 Q. There is literature that ACE  
12 promulgates that states that some of its  
13 information is proprietary to ACE?

14 A. I couldn't tell you right off the bat  
15 where that might be. I know we've written that  
16 before. And whether it is in current literature  
17 or not, I can't say.

18 Q. Would you agree that the skills lab,  
19 the ACE skills lab, at least in 2013 and 2014,  
20 is a classroom that happens to be taught in a  
21 lab?

22 A. I don't understand the question.

23 Q. Would you agree that the -- well, would  
24 you agree that the information that a student



1 learns from a participating in the ACE surgical  
2 skills lab in 2013 and 2014 was intended to be  
3 used outside of the skills lab by that  
4 particular student?

5 A. Yes.

6 MR. DAVIS: Objectio n. Okay.

7 BY MR. ROCHE:

8 Q. Yes?

9 MR. DAVIS: He answered yes.

10 THE WI TNESS: Yes.

11 BY MR. ROCHE:

12 Q. What is it then about the skills lab  
13 that makes it a trade secret in your opinion?

14 A. Well, it is not a trade secret to the  
15 student. We don't expect our competitors or  
16 anybody that we -- that approached us as  
17 somebody who might want to do business with us  
18 to then take that and use it as their own.  
19 That's the way we see it as a trade secret.

20 Q. As you sit here today -- well, let me  
21 ask this.

22 Have you ever attended the College of  
23 DuPage's lab as part of its surgical assistant  
24 program?



1 A. No.

2 Q. Have you ever seen pictures of the  
3 College of DuPage's lab?

4 A. No. They said they have a lab. I  
5 didn't question it. They don't have to have a  
6 lab because we can set up our lab in a space.  
7 Our lab is mobile, and so we could set it up.  
8 We often set it up in hotel conference rooms.  
9 They could do the same with any of their rooms.  
10 I understand they have space.

11 (Whereupon, Bump Deposition  
12 Exhibit No. 21 was marked for  
13 identification.)

14 BY MR. ROCHE:

15 Q. I show you what's been marked as  
16 Exhibit 21 to your deposition, Mr. Bump. These  
17 are pictures of the College of DuPage's lab that  
18 it has.

19 Does ACE's -- and all these questions  
20 relate to the skills lab as it existed in 2014.

21 A. Uh-huh.

22 Q. During that time period, Mr. Bump, did  
23 the ACE skills lab have two mock patients in  
24 surgical beds as indicated in this picture?



1 A. No.

2 Q. 2424.

3 Did the ACE skills lab have the  
4 lighting that -- the operating room lighting  
5 that is provided in document 2424?

6 A. No.

7 Q. Can you just describe -- actually,  
8 before we get into this, can you describe what  
9 the skills lab, ACE's skills lab looked like?  
10 Can you just give a general description?

11 A. Well, if we were teaching people how to  
12 hand instruments and drape a patient and all  
13 those things that surgical techs need to know,  
14 we'd have something like this. That's not what  
15 we're trying to teach anybody.

16 Q. What did ACE's surgical skills lab  
17 physically look like?

18 A. It looked like this room without this  
19 table, let's say, and there are two kinds of lab  
20 days that we have. One is where you just sit at  
21 a desk and learn like suturing and tying  
22 techniques. And so I'd show a demonstration of  
23 the technique I wanted them to learn, and I'd  
24 come around to each individual table to make



1       sure they're getting it and give them some fine  
2       pointers on their technique. And then the other  
3       four days, how to do it, doing an actual  
4       simulated surgery.

5               Now, for a simulated surgery, all you  
6       need is a hole to work in and with simulated  
7       organs in there. And you don't need something  
8       that even looks like that, like a dummy patient.  
9       You don't need special lighting or anything like  
10      that.

11              So there is, basically, a box on a  
12      table that has instruments on it and one person  
13      standing on one side of that patient, the other  
14      standing on the other side, and they interact  
15      with each other as though one is a surgeon and  
16      one is the assistant and we go through the whole  
17      procedure.

18              Let's say we're doing a hysterectomy.  
19       If you were going to do a hysterectomy on a real  
20      patient, we do all those same techniques on our  
21      simulated patient. And that's what this lab is  
22      all about. It has nothing to do with anything  
23      you're seeing here.

24              Q.     Okay. Let's look at the next page



1 then, Mr. Bump.

2 A. I'm not insulting their lab or  
3 anything.

4 Q. Oh, no, no.

5 A. It is nice. It is very nice.

6 Q. I'm not insulted.

7 MR. DAVIS: It is a nice lab.

8 BY MR. ROCHE:

9 Q. You're saying it is different?

10 A. It wouldn't serve our purposes.

11 Q. Okay. Let's look at the next page. Is  
12 this a suture training material? Can you just  
13 describe what it is?

14 A. It looks like a material where you  
15 practice suturing techniques and tying  
16 techniques. They have a rope similar to the one  
17 we have on our simulator where you go through  
18 the actual motions of tying surgical knots. And  
19 then once they go all the moves and everything,  
20 then we have them get out real suture and have  
21 them tie on the real suture.

22 Q. Did ACE have -- during 2013 and 2014,  
23 did ACE have a training instrument such as the  
24 one identified?



1           A.     We did.   We created it ourselves,  
2 though.   We didn't buy it from somebody.

3           Q.     How about the next picture, can you  
4 just tell me what your understanding, if you  
5 know, of this training item is?

6           A.     This looks like it might be for some  
7 kind of laparoscopic exercise.

8           Q.     Did ACE, in 2013 and 2014, have this  
9 training item?

10          A.     Not this.   We had one we created  
11 ourselves.

12          Q.     Something similar?

13          A.     A little.   I'm just familiar with some  
14 of the others.   This looks like it might be one.

15          Q.     To expedite this line of questioning,  
16 if you could, Mr. Bump, go through these  
17 pictures and identify any materials or items  
18 that are in these pictures that were in the  
19 skills lab that ACE provided in 2013?

20          A.     The exact materials or something we did  
21 ourselves?

22          Q.     2013 or 2014.

23          A.     We didn't purchase anything from  
24 anybody for our skills lab.



1           Q.     Something that ACE provided on its own,  
2 created on its own.

3           A.     Uh-huh. I don't know what this is.  
4 This looks like it might be simulated bowel and  
5 stomach.

6           Q.     Did ACE have a simulated bowel and  
7 stomach?

8           A.     Yes. Not stomach. We had a simulated  
9 bowel. I've never seen this before. It looks  
10 like it might be --

11           MR. DAVIS: Could you refer to what page  
12 you're looking at when you say you have it or  
13 don't have it?

14           THE WITNESS: 00249.

15           MR. DAVIS: Yeah.

16           THE WITNESS: It says one hand and two  
17 hands on either side, so I assume it is some  
18 kind of exercise where you'd practice one and  
19 two-handed tying, but I can't picture how it  
20 would be used.

21 BY MR. ROCHE:

22           Q.     I'm just -- did ACE have something  
23 similar to what's identified?

24           A.     I don't know.



1 Q. On 2429, in 2013 and 2014, at its  
2 skills lab?

3 A. I don't know exactly what that is used  
4 for, so I can't really comment on that.

5 Q. Okay.

6 A. I don't know. On 002430, I'm still not  
7 sure what that is either.

8 Q. How about the next picture?

9 A. I mean, anything I say about that would  
10 just be a guess. It looks like there might be a  
11 hole in something they might have to sew up.

12 Q. I'm not asking you, Mr. Bump, what the  
13 items are; just simply if these items were  
14 available to students who took the ACE skills  
15 lab in 2013 and 2014?

16 A. These specific items, no.

17 Q. Okay. How about the next one?

18 A. I have no idea what that is. So the  
19 answer would be no. 002433, we didn't have a  
20 vaginal cuff. We had a vaginal cuff in one of  
21 our simulators, so I would say yes on this.

22 Q. All right. But no?

23 A. Not this specific one.

24 Q. But your answer is no on 2432?



1 A. I looks like an alien from outer space.

2 Q. How about 2434?

3 A. I don't know what that is.

4 Q. So the answer would be no?

5 A. No.

6 Q. 2435?

7 A. 2435 is -- it seems to be like the item

8 I was telling you about before for the

9 laparoscopic exercise. We have that

10 laparoscopic exercise, not this specific one.

11 Q. How about 2436. Well, that's simply a  
12 receipt.

13 A. Did you want me to comment?

14 Q. No. Let's move on. 2437. How about  
15 that?

16 A. We had something similar to this, yes.

17 Q. 2438?

18 A. No.

19 MR. DAVIS: Do you know what it is?

20 THE WITNESS: No.

21 BY MR. ROCHE:

22 Q. 2439?

23 A. These are simulated uteruses. We did  
24 have that.



1 Q. 2440?

2 A. This looks like a laparoscopic  
3 simulator, and we had one, not from this  
4 company, one of our own creation.

5 Q. 2441, you did not have mannequins?

6 A. No. No mannequins.

7 Q. Right. Okay.

8 A. Nothing that resembled the facial  
9 features of a human or limbs or anything like  
10 that.

11 Q. Simply an organ simulator?

12 A. And the container for that.

13 Q. And the container. Okay.

14 What was the container made out of?

15 A. Wood.

16 Q. Wood.

17 And what was the organ simulator? You  
18 had various?

19 A. We had various organs. We have a  
20 uterus. We have an abdominal aorta. We have a  
21 bowel for bowel resection. And we had a  
22 laparoscopic simulator where you look at the  
23 monitor and you're working over here like this.  
24 And we had a microscopic simulator where it



1 simulates looking in an operative microscope to  
2 do something.

3 Q. Did you have any other simulators in  
4 2013 and 2014?

5 A. No. That's it.

6 Q. How about 2443?

7 A. These are draping materials. We don't  
8 have anything like that.

9 Q. 2444?

10 A. Laparoscopic instruments. We do have  
11 those.

12 Q. Who provided those? Did ACE provide  
13 those in 2013?

14 A. They were provided by a company.

15 Q. Or 2014?

16 A. I'm sorry. They were provided by a  
17 laparoscopic company.

18 Q. Did students have to purchase those  
19 instruments or did ACE provide them?

20 A. No. They were donated.

21 Q. So the instruments were included as  
22 part of the ACE surgical assistant program?

23 A. Correct.

24 Q. 2445.



1 A. Laparoscopic equipment again.

2 Q. ACE did have that?

3 A. Not everything that's in here, no. We  
4 had some of it.

5 Q. How about 2447?

6 A. The same.

7 Q. ACE -- did ACE have this equipment?

8 A. Not this specific equipment, no. We  
9 had laparoscopic equipment, though.

10 Q. 2448, what appears to be a machine?

11 A. It is an anesthesia machine.

12 Q. Okay. Thank you.

13 A. I would not hesitate to say it is just  
14 there for looks because they're not putting  
15 these mannequins to sleep. They may be putting  
16 their -- I mean, their students to sleep.

17 Q. Did ACE have anesthesia equipment in  
18 its lab?

19 A. No.

20 Q. 2449, do you know what that instrument  
21 is?

22 A. It is a microscope. Are you  
23 specifically looking at this thing? It looks  
24 like a microscope. See it has got the eyepieces



1 and everything or there is something behind  
2 that.

3 Q. The main piece of equipment in this  
4 picture?

5 A. Yeah. That's an operative microscope.  
6 Mobile.

7 Q. Was that instrument or machine, I  
8 guess, part of ACE's skills labs in 2013, 2014?

9 A. See, no. The whole purpose of this lab  
10 you'd be able to set it up for your surgeons to  
11 use. If we had something like that, it would be  
12 so that we can learn to use it.

13 Q. This is arguably a surgical tech job  
14 description?

15 A. Setting it up for the surgeon, not  
16 using it themselves.

17 Q. 2450, did ACE have this instrument in  
18 its skills lab?

19 A. No. Can I just stipulate that they  
20 have a lot of things that we don't have?

21 Q. Yes.

22 2452?

23 A. I guess not.

24 Suture materials. Yes, we have suture



1 material s.

2 Q. 2454?

3 A. This is a small bowel and large bowel  
4 and gallbladder and stomach. The purpose of  
5 this simulator would just be to familiarize  
6 somebody with the anatomy. There is nothing in  
7 here that you could operate on.

8 Q. So the intestines are the middle of  
9 this, and then what's above it in the pink, is  
10 that the stomach?

11 A. This?

12 Q. Yes.

13 A. This is small bowel, this is the large  
14 bowel. All of that is large bowel. This would  
15 be the stomach.

16 Q. What's the green thing?

17 A. That's the gallbladder.

18 Q. Gallbladder?

19 A. That would make this the liver right  
20 here. Ours don't look as nice. Our simulators  
21 don't look fancy like that. They're built more  
22 for function and with dissection planes and  
23 things like that to be able to accomplish what  
24 you have to do in real life surgery as -- this



1 is basically esthetics.

2 Q. Let's go back to the discussions with  
3 ACE and COD in 2014.

4 (Whereupon, Bump Deposition  
5 Exhibit No. 22 was marked for  
6 identification.)

7 BY MR. ROCHE:

8 Q. I will show you what's been marked as  
9 Exhibit 22 to your deposition. Do you recall  
10 reviewing this email on or about February 21st,  
11 2014?

12 A. Yes.

13 Q. Okay. At this point in time, is it  
14 your recollection that a non-disclosure  
15 agreement had not been exchanged between the  
16 parties?

17 A. It went right along with the written  
18 contract which was being reviewed in their legal  
19 department.

20 Q. A non-disclosure agreement had been  
21 sent to the College of DuPage prior to February  
22 21st, 2014?

23 A. Well, Keith was asking for it here. So  
24 I can only imagine that that came some time



1 after this.

2 Q. The non-disclosure came after this  
3 email?

4 A. Apparently so.

5 Q. Now, to the best of your recollection,  
6 Mr. Bump, prior to this email, prior to February  
7 21st.

8 A. Uh-huh.

9 Q. Had anyone from ACE communicated to the  
10 College of DuPage that the curriculum program  
11 catalog, master syllabi was composed of ACE's  
12 confidential information?

13 A. I believe I already answered that  
14 before. I don't believe that was communicated.

15 (Whereupon, Bump Deposition  
16 Exhibit No. 23 was marked for  
17 identification.)

18 BY MR. ROCHE:

19 Q. I will show you what's been marked as  
20 Exhibit 23. This is an email thread between you  
21 and your brother, Keith. My question simply is:  
22 Do you recall any discussions with the College  
23 of DuPage about entering into any sort of  
24 licensing agreement with the college?



1           A.     No.   The only agreement we considered  
2 entering into was the consortium.

3           Q.     Okay. This, you know, your email in  
4 this exhibit appears to be in response to Keith  
5 Bump's email that was previously marked as  
6 Exhibit 22. And in your email, you state, "hi,  
7 Keith. Maybe it was a while back and I wasn't  
8 focused enough on that part of the discussion."

9                 Were you under the impression,  
10 Mr. Bump, that you would be teaching the skills  
11 lab with the -- under the ACE COD partnership?

12                 MR. DAVIS: Objection. Asked and  
13 answered.

14 BY MR. ROCHE:

15                 Q.     You can answer.

16                 A.     Am I?

17                 MR. DAVIS: Yeah. Go ahead answer it.

18                 THE WITNESS: Okay. So at some point  
19 when we first started talking about it, it was  
20 me teaching the students. At some point College  
21 of DuPage said, well, what would be the  
22 difference in the price if Kathy were teaching  
23 the students instead, and that's where we came  
24 up with another price besides the one we're



1 looking at in this agreement.

2 BY MR. ROCHE:

3 Q. As of February 21st?

4 A. Honestly, I was a little miffed about  
5 it because they were asking for a lot of free  
6 stuff. For instance, now I've got to do this  
7 teaching of Kathy to do this, and hence, my  
8 question to Keith, well, how much are we going  
9 to charge for all of that. And he talked me  
10 down from the cliff, you know.

11 Q. What other free stuff was the college  
12 asking for aside from free training?

13 A. That's the only thing I can recall.  
14 There was a big process that I envisioned in my  
15 mind what it would take Kathy to get to the  
16 point where I'd be satisfied that she could  
17 teach the course the way I do. And once she did  
18 take the lab, I said, well, maybe we can cut  
19 down on that a little bit and it will be fine.

20 Q. Okay.

21 A. Can I call for a break?

22 Q. Of course.

23 (Whereupon, a short break was  
24 taken.)



(Whereupon, Bump Deposition  
Exhibit No. 24 was marked for  
identification.)

BY MR. ROCHE:

Q. Okay. Mr. Bump, I show you what's been marked as Exhibit 24 to your deposition. Again, this exhibit is another email thread in which you are involved in some e-mails were sent to you, others you responded to.

I wanted to actually direct your attention to the second page of this, ACE0433, and it is an email from Kyle to you. The first email on the top of this, 0433. And take a minute to read it, but my question relates to the last sentence in this email in which Mr. Black states, "we need to figure this out quickly, in the event the college calls and wants to move the contract forward."

Do you recall receiving this email?

A. It seems familiar.

Q. Do you have any reason -- as you sit here now, do you have any understanding as to why Mr. Black would tell you that the college that everyone that ACE needs to figure these



1 issues out quickly in the event the college  
2 calls and wants to move the contract forward?

3 A. I don't know. The only thing I can say  
4 is that he's referring to the actual physical  
5 contract, not the verbal contract that was in  
6 effect at the time. He is not our employee. He  
7 can use any language he wants.

8 Q. I thought you testified earlier that  
9 the -- well, you testified earlier that the  
10 contract was accepted by the College of DuPage  
11 on December 9th, 2013?

12 A. Correct.

13 Q. In Mrs. Solt or Dr. Solt's email to you  
14 and others in which she represented that the  
15 college is ready to move forward?

16 A. Right. I don't know if Kyle was privy  
17 to any of that or not.

18 Q. So when was this verbal contract agreed  
19 to?

20 A. That's the date that she mentioned.

21 Q. Did Ms. Solt communicate to you or ACE,  
22 anyone at ACE verbally on December 9th that the  
23 College of DuPage had accepted the terms of  
24 ACE's offer?



1           A. No. My statement about a verbal  
2 contract is we have the terms of a contract in  
3 place. Now let's move forward in response to  
4 that, and everybody did, including them,  
5 including us.

6           Q. What were the terms of the verbal  
7 contract?

8           A. The terms of the verbal contract is  
9 what was written at the time with the regular  
10 contract that we had on the table for them.

11          Q. The contract that was transmitted to  
12 the College of DuPage in November of 2013?

13          A. So it would be the same as if there was  
14 a contract on the table here. I hand it to you.  
15 You say this is going to go through the legal  
16 department, but let's move forward. Going  
17 through the legal department as they expressed  
18 it was just a formality.

19          Q. Who expressed to you that the legal  
20 department approval process was just a  
21 formality?

22          A. I believe that was Kathy.

23          Q. And did Kathy communicate that to you  
24 verbally?



1 A. Yes. On the phone.

2 Q. Do you remember when this conversation  
3 happened?

4 A. No. It is around that December 9th  
5 time.

6 Q. Was this during the Skype conference to  
7 the best of your recollection?

8 A. I think when the Skype conference had  
9 occurred, we were already all under the  
10 understanding that we were contractually bound.

11 Q. Okay. My question centers on  
12 Ms. Cabai's statement to you to the effect that  
13 obtaining approval from the legal department was  
14 a mere formality.

15 A. I don't even recall specifically if she  
16 used those exact words, but the tenor of what  
17 she said and what I remember that was the effect  
18 of the conversation.

19 Q. Do you recall who else was present, if  
20 anyone, during this conversation?

21 A. Yeah. I don't recall.

22 Q. You had between Ms. Cabai and yourself?

23 A. I don't recall.

24 Q. This conversation occurred, to the best



1 of your recollection, some time in December of  
2 2013?

3 A. Some time in the vicinity of that date  
4 of that email.

5 Q. The December 9th email?

6 A. Uh-huh.

7 Q. From Solt.

8 A. So I'm not picking updates in my  
9 memory, but I do correlate that discussion to  
10 that email.

11 Q. Okay. Let's go back to Exhibit 24.  
12 ACE0433, again I have a question about  
13 Mr. Black's email again to you. He states,  
14 "Dan, my understanding from our first  
15 conversation with the College of DuPage was that  
16 ACE was going to charge the college 4,400 and  
17 Kathy was going to teach the lab at their  
18 facility, so on and so forth.

19 Do you recall if Kyle Black or your  
20 brother Keith ever communicated their  
21 understanding of who is going to teach the lab  
22 to you prior to February 24th, 2014?

23 A. That's the date of this email?

24 Q. Yes.



1       A. I recall, as I mentioned to you before,  
2 was that when I discovered that that had been  
3 discussed with them, I was upset. So they kind  
4 of brought that up, even before talking to me  
5 about it, and then later, I had to come on board  
6 with it.

7       Q. Okay. Let's go back to ACE0432, your  
8 email which is in blue in this exhibit to Kyle  
9 and Keith. You state, "hi, Kyle. A deal is a  
10 deal, and I'm sure we'll live up to whatever we  
11 promised."

12                  Do you recall at this time the promises  
13 ACE made to the College of DuPage?

14       A. Isn't this in reference to Kathy  
15 teaching the lab?

16       Q. You tell me.

17       A. That seems to be the context of this  
18 email. And so my comments are related to that.  
19 I mean, they promised that Kathy would be  
20 allowed to teach the lab, and so this is my  
21 expression of well, a deal is a deal then.

22       Q. Who is they?

23       A. Kyle and Keith.

24       Q. The first paragraph, last sentence,



1 "this leads me to think they believed they  
2 shouldn't have to pay the full 4,480 as part of  
3 the tuition."

4 Is that amount, \$4,480 the amount of  
5 the tuition that College of DuPage had agreed to  
6 pay ACE?

7 A. Well, they're going to collect the  
8 tuition from the students. This would have been  
9 our portion of that.

10 Q. The 4,480?

11 A. Yeah.

12 Q. Your email goes on to say, "perhaps we  
13 should have one price for teaching the lab  
14 ourselves and another for letting them teach  
15 it."

16 Were there ever discussions after  
17 February 21, 2014, about one price for COD  
18 teaching the lab and another price for ACE  
19 teaching the lab?

20 A. I don't know that there were  
21 discussions with COD.

22 MR. DAVIS: You mean February 24th,  
23 2014? You said 21.

24 MR. ROCHE: Yeah. Oh.



1 MR. DAVIS: You said 21.

2 MR. ROCHE: I'm sorry. 24. Thank you.

3 THE WITNESS: I don't recall if there  
4 were other discussions. My bringing this up was  
5 kind of related to the issue you brought up of  
6 would Kathy be able to teach all the students;  
7 and if not, how would we take care of that. And  
8 so if we had to teach them, maybe we would just  
9 charge an extra lab fee for us having to teach  
10 it rather than them.

11 BY MR. ROCHE:

12 Q. Okay. Let's go down to the last full  
13 paragraph in your email here, indicates or you  
14 state in this email, "once they know how to  
15 teach a lab, all they need is the AST core  
16 curriculum for surgical assisting, and they can  
17 create their own program that is the equivalent  
18 to ours. We'll need legal protection to keep  
19 this from happening."

20 How was the ACE curriculum developed?

21 A. We originally had an -- and this is a  
22 misstatement that I would have never made if a  
23 lawyer was in the room.

24 Q. Why is it a misstatement?



1           A. Because it wouldn't have been the  
2 equivalent still.

3           Q. Why?

4           A. They would have been able to produce a  
5 lab just with that core curriculum that was  
6 acceptable for CAAHEP accreditation, but it  
7 wouldn't have been the same as ours. It  
8 wouldn't have been even at the level that we  
9 were training. So originally when I developed  
10 the curriculum, there was no core curriculum to  
11 go by. So my objective in creating a curriculum  
12 was to give the student that -- those surgeon  
13 level skills which aren't required by the AST  
14 and surgeon level knowledge which, once again,  
15 is not a mandate of the AST core curriculum.  
16 Later on, we added portions of the core  
17 curriculum into our curriculum, just so we could  
18 get CAAHEP accredited.

19           Q. At this point in time in 2014, could  
20 the College of DuPage or any other accredited  
21 institution discovered the curriculum necessary  
22 to obtain CAAHEP certification from a source  
23 other than the ACE surgical assistant program?

24           A. It was publicly available. The



1 question is why didn't they. Why did they come  
2 to us instead, if they needed us for something.

3 Q. As you sit here today, do you believe  
4 that the curriculum ultimately utilized by the  
5 College of DuPage is the same curriculum that  
6 ACE tendered to the College of DuPage?

7 A. I don't have access to their curriculum  
8 at this point.

9 Q. Are you aware, as you sit here today,  
10 if the College of DuPage has produced the  
11 curriculum that it utilizes for its own surgical  
12 assistant program?

13 A. Could you restate that, please? You  
14 might just say it the same way. I don't think I  
15 picked it all up.

16 (Whereupon, the record was read  
17 as requested.)

18 THE WITNESS: Are you asking is it the  
19 equivalent of our program now, the one that  
20 they're using?

21 MR. DAVIS: No. The question is -- the  
22 question is do you -- do you believe -- do you  
23 understand that COD has produced their  
24 curriculum for the surgical assistant program?



1 Are you aware that COD had produced the COD  
2 curriculum?

3 THE WITNESS: Yes.

4 BY MR. ROCHE:

5 Q. Have you reviewed the COD curriculum?

6 A. Only what's on their website. I'm  
7 sorry. Go ahead.

8 Q. Well, have you reviewed the COD  
9 curriculum that has been produced in this  
10 litigation?

11 A. Only as it exists on the website.

12 Q. Okay. And the College of DuPage  
13 curriculum as it exists on the website, is that  
14 the same curriculum that ACE provides to its  
15 students who enroll in ACE's surgical assistant  
16 program?

17 A. It is hard to know because they don't  
18 go into detail. And like I said, it is  
19 formatted differently from ours. So content, it  
20 is hard to see if the content is the same. And  
21 the format is definitely rearranged, like we  
22 were talking about before, so it could get  
23 through state approval.

24 MR. ROCHE: Okay. Can we go off the



1 record?

2 (Whereupon, a discussion was had  
3 off the record.)

4 BY MR. ROCHE:

5 Q. Is ACE's curriculum taken from AST's  
6 curriculum?

7 A. AST's curriculum was added to our  
8 curriculum and there were some places where they  
9 were the same, but I had to add some to what we  
10 were currently doing in order to get accredited  
11 by the AST or the CAAHEP. So it is the AST core  
12 curriculum plus a lot.

13 Q. Is -- well, in 2013, 2014, was ACE's  
14 curriculum what you just described, AST's  
15 curriculum plus a lot?

16 A. Correct.

17 Q. Is it your view that in 2013 and 2014  
18 ACE's curriculum met the CAAHEP accreditation  
19 standards to be a certified CAAHEP program?

20 A. Yes.

21 Q. How did you develop the ACE curriculum?

22 A. I thought I --

23 Q. The initial. How did you initially  
24 develop the ACE program?



1 MR. DAVIS: I think he's already  
2 testified to that; but if you can answer it  
3 quickly.

4 THE WITNESS: Number one, I had been  
5 through a curriculum with the apprenticeship  
6 program that I was teaching.

7 BY MR. ROCHE:

8 Q. At NIFA?

9 A. No. Before that. With the agency that  
10 I was working with. And basically, the  
11 curriculum we use now is an offshoot of the NIFA  
12 curriculum but with the AST core curriculum  
13 combined with it.

14 And so I was seeing when I was in that  
15 agency what kind of training someone needed in  
16 order to be successful as a surgical assistant,  
17 because we were training them in that  
18 organization to go out into the Denver market  
19 and be successful; otherwise, the company  
20 wouldn't be successful. So I knew specifically  
21 what did it take. And I developed a curriculum  
22 around that and that wasn't a formal curriculum.  
23 It was -- you know, but it was what people  
24 needed. I then developed, started into



1 curriculum development around that whole  
2 experience. And then that is what we added to  
3 the AST curriculum so that we can maintain that  
4 level of success in teaching, but also set the  
5 students up so that they would be able to take  
6 the CAAHEP approved certifying exam.

7 Q. Is the AST core curriculum available  
8 online?

9 A. I don't know. They definitely sell it  
10 out of their -- in hard copy. I don't know if  
11 it is available online.

12 Q. Do you recall when ACE implemented  
13 portions of the AST curriculum into its own  
14 curriculum, do you recall how you obtained the  
15 AST core curriculum?

16 A. We bought it from them in hard copy  
17 form.

18 Q. Approximately -- of the core curriculum  
19 ACE's core curriculum in 2013 and 2014,  
20 approximately how much of that curriculum was  
21 the AST core curriculum?

22 A. That was the same curriculum we were  
23 using when we were CAAHEP accredited. There was  
24 nothing in that caused us to be withdrawn from



1 the -- from CAAHEP that had anything to do with  
2 our program. There was no hits on it. There  
3 was one hit on our program, and that was also  
4 the same hit on everybody's program at the time.  
5 They were basically doing a pilot program where  
6 we had to insist that all graduates of our  
7 program, 100 percent, had to take the CSFA exam.  
8 Not necessarily pass it but take it. And we  
9 were unable to do that. Nobody was able to do  
10 that except people that had on campus training,  
11 so that they could just sit their people down  
12 and make them all take the CSFA exam. As a  
13 distance learning program, we couldn't do that.

14 Q. Okay. My question -- let me ask it a  
15 different way. In 2013 and 2014, the curriculum  
16 that ACE provided its students was the master  
17 syllabi; is that right?

18 A. Yes.

19 Q. Okay. Interchangeable, syllabi,  
20 curriculum, is that a -- is there any problems  
21 with interchanging those words?

22 A. It is not the same. The core  
23 curriculum is provided by the AST that outlines  
24 what they want to be in a CAAHEP accredited



1 program. And the master curriculum was written  
2 based on that, as well as what we had already  
3 had in place.

4 Q. Okay. In 2013 and 2014, of ACE's  
5 curriculum which is the syllabi, how much of  
6 that curriculum was developed by ACE?

7 A. All. Part of it based on the AST core  
8 curriculum.

9 Q. How much of the curriculum, ACE  
10 curriculum was based on the AST core curriculum?

11 A. I would guess maybe around 40, 50  
12 percent.

13 Q. Okay.

14 (Whereupon, Bump Deposition  
15 Exhibit No. 25 was marked for  
16 identification.)

17 BY MR. ROCHE:

18 Q. I will show you what's been marked as  
19 Exhibit 25 to your deposition, Mr. Bump.

20 This is an email thread between you and  
21 Keith and Kyle Black. Again the same date,  
22 February 24th, 2014, at least the most recent  
23 e-mails in this thread are dated on that date.

24 My question here is if you could look



1 at the third email, which is at the bottom of  
2 the first page, ACE 0477, it is an email from  
3 you. I'm not exactly sure who it was directed  
4 to, but in this email, you state, in the first  
5 paragraph, middle of it, "her experience  
6 training doesn't make it automatic. We may want  
7 to address the possibility of failure in the  
8 contract."

9 My question to you is: What did you  
10 mean by that statement, if you recall?

11 A. I believe this is referring to when she  
12 would take the lab, if she failed the lab. Then  
13 we -- in other words, I wasn't taking it as a  
14 guarantee that just because Kathy wanted to  
15 teach the program, that she would actually be  
16 able to. Okay. So I didn't want them to think  
17 that no matter what her performance was at the  
18 lab, that she was going to be the one teaching  
19 it because I didn't know her as well as they  
20 did.

21 Q. But you state in this sentence that I  
22 just read that we may want to address the  
23 possibility of failure in the contract.

24 Was that a term failure if Ms. Cabai



1 failed qualification criteria, was that  
2 something that you wanted to add in this  
3 contract between ACE and --

4 A. This was a discussion between Keith and  
5 I, and we never really added that into the  
6 contract anyway. And it never became  
7 contractual, this part of what we were talking  
8 about.

9 Q. Okay.

10 A. Believe me, I would have brought it up  
11 later if it turned out to be a problem.

12 (Whereupon, Bump Deposition  
13 Exhibit No. 26 was marked for  
14 identification.)

15 BY MR. ROCHE:

16 Q. I will show you what has been marked as  
17 Exhibit 26 to your deposition. It is a one-page  
18 document Bates numbered ACE0017. You were  
19 copied on this email thread or an email. It is  
20 an email from Kyle Black to Kathy Cabai. The  
21 second paragraph provides, "Keith and I will be  
22 bringing you copies of the ACE required  
23 textbooks with us to the meeting on the 20th.  
24 In addition, we will be bringing an ACE



1 non-disclosure noncompete agreement for you to  
2 sign prior to attending the lab."

3 Did you have any discussions with Keith  
4 and Kyle about executing a non-disclosure,  
5 noncompete agreement with the College of DuPage  
6 on or around this time?

7 A. I don't recall the discussions, but I  
8 remember the -- I don't recall the specific  
9 discussions, but I remember that this was an  
10 issue that either I raised or somebody else did.  
11 I think I might have. And but, once again, we  
12 already felt we had a contract. We were  
13 proceeding on that basis and we never did -- I  
14 mean, we gave them to them, but once again, they  
15 just got lost in the legal department.

16 Q. Okay. But --

17 A. And so we decided to continue on based  
18 upon our current understandings.

19 Q. Was this the first time, to the best of  
20 your recollection, Mr. Bump, that either you or  
21 ACE had asked the college to enter into a  
22 non-disclosure noncompete agreement?

23 A. No, I believe it had been brought up  
24 before and the legal department was looking over



1 all that stuff.

2 Q. Do you know, as you sit here today,  
3 whether or not --

4 A. I don't believe there was a non-compete  
5 agreement in discussion.

6 Q. As you sit here today, Mr. Bump, do you  
7 know if ACE had sent a non-disclosure agreement  
8 to the College of DuPage as of February 24th,  
9 2014?

10 A. Pursuant to this email, I don't recall  
11 specifically if they actually did follow through  
12 on that or not.

13 Q. They being Keith and Kyle?

14 A. Keith and Kyle, yeah. I know that they  
15 got the textbooks. So we're a little bit better  
16 about getting the textbooks to them than to you.

17 (Whereupon, Bump Deposition  
18 Exhibit No. 27 was marked for  
19 identification.)

20 BY MR. ROCHE:

21 Q. I will show you what's been marked as  
22 Exhibit 27 to your deposition. This is an email  
23 thread dated March 3, 2014. I just direct your  
24 attention to the first page of this email,



1 ACE0641. In the second paragraph, you state,  
2 "next, my recommendation is that we charge  
3 \$4,180." Do you see that?

4 A. Uh-huh.

5 Q. At this point in time, as of March 3,  
6 2014, had ACE and the College of DuPage agreed  
7 on the price for the proposed partnership?

8 A. The price was at least in question  
9 relating to whether Kathy was going to be  
10 teaching the labs or not.

11 Q. Had they -- had ACE and the College of  
12 DuPage as of March 3, 2014 agreed on the price  
13 that would be paid to ACE for the partnership?

14 A. Well, as of this time, that's not the  
15 right price. So there must have been other  
16 discussions related to the price that we  
17 eventually settled on based on the fact that  
18 Kathy was going to be teaching the labs and not  
19 me.

20 Q. If you turn to the next page, ACE0642.  
21 It is an email from Kathy to Kyle. And her  
22 first bullet point, bullet point number one,  
23 Kathy asks Kyle, "can you folks call Karen  
24 and/or Tom to discuss the final amount of money



1 that COD will be charged per student with me  
2 teaching the suture lab." Do you see that?

3 A. Uh-huh.

4 Q. There still was no agreement on the  
5 price per student for the ACE/COD partnership;  
6 is that right?

7 A. That's what I told you. The final  
8 price should have been somewhat soon hereafter.

9 (Whereupon, Bump Deposition  
10 Exhibit No. 28 was marked for  
11 identification.)

12 BY MR. ROCHE:

13 Q. I will show you what's been marked as  
14 Exhibit No. 28 to your deposition, Mr. Bump.

15 Do you recall if you ever received this  
16 email? You're not on the email thread. Do you  
17 recall ever receiving this email?

18 A. Not this specific email, but I remember  
19 we discussed these issues.

20 Q. Okay. And do you recall learning that  
21 the College of DuPage had wrote the program, the  
22 surgical assisting program on a semester basis?

23 A. If that means the new format that they  
24 had to go through in order to get approved by



1 the state, then yes. If it is something else,  
2 then I don't know.

3 Q. Was ACE's program in 2013 and 2014  
4 presented on a semester basis to its students?

5 A. No.

6 Q. Do you recall around this time,  
7 Mr. Bump, becoming aware of the total credit  
8 hours that the COD program would be offering its  
9 students?

10 A. No.

11 Q. Do you recall Keith or Kyle telling you  
12 that they intended to attend an advisory  
13 committee meeting by COD in March of 2014?

14 A. Yes.

15 Q. Do you recall if Keith or Kyle ever  
16 attended that advisory committee meeting?

17 A. I know that they attended a lot of  
18 meetings with them. I'm trying to think because  
19 I can't remember if it had to be postponed or  
20 cancelled or something. I don't know. It seems  
21 like there is something like that, but I don't  
22 know for sure. I thought I even remembered  
23 seeing an email where -- and once again this may  
24 be some different meeting, but where they were



1 happy that they attended the meeting, and I'm  
2 thinking that that was related to the advisory  
3 committee meeting, but I'm not sure.

4 Q. Okay. Let's go back to Exhibit 6, the  
5 budget items exhibit.

6 All right. The lab budget items for  
7 COD, how was that document created? I don't  
8 think I asked you those questions.

9 A. It was created basically on a list of  
10 items we use in our labs and some of those  
11 things that we use are donated items and if they  
12 could get them donated to them, too, that would  
13 be at no cost. But many of them are things that  
14 we had to pay for.

15 Q. Was -- has ACE to the best of your  
16 knowledge ever sent this document, the lab  
17 budget items for COD, has it ever sent this  
18 document to any other non-ACE-related entities?

19 A. No. We didn't even know that that  
20 would necessarily be a requirement of our  
21 consortium if they asked for it, you know, and  
22 in putting together everything they needed to  
23 for the lab.

24 Q. Has ACE ever submitted to a third party



1 a document similar to what's identified as  
2 Exhibit 6 to anyone?

3 A. No. The other people that we would  
4 have sent it to just didn't get that far.

5 Q. The two colleges that we discussed  
6 hours ago?

7 A. Right.

8 Q. All right. If you could look actually  
9 at the body of the email as Exhibit 6. It  
10 appears to be more discussions on pricing. Do  
11 you see that?

12 A. Uh-huh.

13 Q. Would you agree that at this point in  
14 time, March 5th, 2014, ACE and COD were  
15 negotiating the price that would be charged or  
16 paid to ACE under the proposed partnership?

17 A. Right.

18 Q. And is there anywhere in this email  
19 thread wherein you ask Ms. Cabai to maintain the  
20 lab budget items for COD confidential?

21 A. No.

22 Q. Is there any -- does any part of this  
23 email communicate to the College of DuPage that  
24 the lab budget items for COD is ACE's trade



1 secret?

2 A. No.

3 Q. Did you ever after sending this notify  
4 anyone at COD that ACE considered the lab budget  
5 items for COD that document to be confidential  
6 to ACE?

7 A. No.

8 Q. Did you ever notify anyone at COD after  
9 you sent this email with the attachment that it  
10 was ACE's trade secret?

11 A. No.

12 (Whereupon, Bump Deposition  
13 Exhibit No. 29 was marked for  
14 identification.)

15 BY MR. ROCHE:

16 Q. I will show you what's been marked as  
17 Exhibit 29 to your deposition. This is a  
18 document that's an email that you apparently  
19 received on April 24, 2014. Do you see that?

20 A. Uh-huh.

21 Q. Do you recall reading this email that  
22 was forwarded to you from Keith?

23 A. Yes.

24 Q. All right. Did you notice that in the



1 first part of the email, Ms. Cabai says, "we are  
2 ready to go." Do you see that?

3 A. Yes.

4 Q. Do you recall how you interpreted that  
5 sentence to mean?

6 A. That, you know, they were ready to move  
7 forward in the process because the state had  
8 given them the go ahead or that it was good as  
9 done with the state and they really didn't need  
10 the state approval for the first classes.

11 Q. Because those classes were online; is  
12 that right?

13 A. I don't know the answer to that.

14 Q. Okay. At this point in time had ACE  
15 and the College of DuPage reached agreement as  
16 to who was going to teach the lab?

17 A. I believe so. She's talking about  
18 attending the class and everything. That  
19 wouldn't have been put in place at all if we  
20 hadn't come to some sort of agreement if she was  
21 going to teach the lab or not.

22 Q. Do you know if at this point in time a  
23 price had been agreed upon between ACE and the  
24 College of DuPage as to the price per student?



1 A. Well, for us, our part of it?

2 Q. Yes.

3 A. Or the total tuition?

4 Q. ACE's share of the total tuition.

5 A. On a previous email, it looked like we  
6 had discussed 3,600, but the eventual settlement  
7 on that was in the 32 range. So we haven't  
8 completely settled on a price yet. I think it  
9 was 3280 or something like that.

10 Q. Do you know, does price \$3,280, do you  
11 know if it was ever memorialized in a writing?

12 A. No, I don't know. The last thing I can  
13 find in the latest edition of the consortium,  
14 the written consortium agreement, was I think it  
15 was 3,800. It was in the threes.

16 Q. Did ACE -- or excuse me.

17 Did the College of DuPage, to your  
18 recollection, ever agree upon the price per  
19 student would be what was memorialized in the  
20 latest edition of the consortium agreement?

21 A. That was my impression that they had  
22 agreed to that.

23 Q. Okay. What was your -- and we can look  
24 at -- I can pull the final consortium agreement.



1 A. Uh-huh.

2 Q. But what was your impression based upon  
3 that the College of DuPage had agreed upon the  
4 price?

5 A. Well, because I was kind of in the mode  
6 of negotiating with Keith on this. I always  
7 thought we were giving away too much in our  
8 offer. But he has a way of presenting things  
9 like that to me in such a way that if we don't  
10 at least go to this level, it is going to harm  
11 the agreement that's in place, and we like the  
12 agreement that's in place so we didn't want to.

13 So to the extent that it was still an  
14 agreement we could live with, he has a way of  
15 convincing me that we should lower our price,  
16 and he was able to get me to go down to the  
17 3,280 range. And then I put it through the  
18 grinder and made sure that that would still work  
19 out for us.

20 Q. And do you recall the College of DuPage  
21 ever agreeing to the lower price, 3,200?

22 A. I remember that Keith, in his  
23 discussions with them, he came back and said  
24 they were pretty happy about that. That's the



1 limit of my involvement in the accepting their  
2 return offer or whatever, however you would call  
3 that.

4 Q. Did you have any direct communications  
5 with anyone at the College of DuPage about the  
6 price per student?

7 A. No.

8 Q. Okay.

9 A. Is it all right if I take that?

10 Q. Oh. Go ahead. Yeah.

11 (Whereupon, a short break was  
12 taken.)

13 (Whereupon, Bump Deposition  
14 Exhibit No. 30 was marked for  
15 identification.)

16 BY MR. ROCHE:

17 Q. I will show you what's been marked as  
18 Exhibit 30 to your deposition. My question  
19 simply is: Do you remember having a conference  
20 call with any representative at COD around this  
21 time period, namely, April 30th, 2014?

22 A. The only conference call I can remember  
23 is the one we talked about already.

24 Q. The Skype?



1 A. Yes.

2 Q. One in December?

3 A. Uh-huh.

4 Q. You do not -- well --

5 A. Oh, wait a minute. Is this the call  
6 where they said we're no longer going to be  
7 doing business with you?

8 Q. No.

9 A. Okay. I don't remember this one in  
10 particular then.

11 Q. How many -- how many conference calls  
12 do you remember?

13 A. Just those.

14 Q. With COD representatives, just those  
15 two?

16 A. Just those two. They both kind of  
17 stand out.

18 Q. The Skype and the one where they said  
19 they're no longer going to do business with ACE?

20 A. Right.

21 Q. Do you believe as you sit here now you  
22 may have had other telephonic communications  
23 with representatives of COD?

24 A. I guess it is possible. I don't recall



1 them.

2 Q. The self-study, Mr. Bump, do you recall  
3 how the -- do you recall the background as to  
4 how ACE came to tender its self-study to the  
5 College of DuPage?

6 A. It is Kathy Cabai who asked if she  
7 could use that as a template for when they  
8 submit this program.

9 Q. Who did Kathy ask?

10 A. Me. As far as I know, she didn't ask  
11 anybody else. She might have asked somebody  
12 else and then also me.

13 Q. And then she would have asked you via  
14 email, is that -- let me ask it this way.

15 Do you recall how she asked you for the  
16 self-study?

17 A. No.

18 Q. Did you offer to send the College of  
19 DuPage ACE's self-study before Kathy asked you  
20 for the self-study?

21 A. I don't know why I would have done  
22 that. We did claim that, you know, because we  
23 were a CAAHEP-accredited program before, that  
24 this process should be a much better process



1 because all we were missing were the  
2 institutional accreditation which COD would have  
3 brought. And so there shouldn't be that much  
4 to -- much of any kind of walls to break through  
5 to make this happen. And then that's probably  
6 what investigated Kathy asking for the self-study.

7 (Whereupon, Bump Deposition  
8 Exhibit No. 31 was marked for  
9 identification.)

10 BY MR. ROCHE:

11 Q. I will show you what's been marked as  
12 Exhibit 31 to your deposition. And we'll wrap  
13 up with the questioning on this. Yeah. Let's  
14 do that.

15 The first part is of my questioning is  
16 your response or your -- in your email to Kathy,  
17 you indicate, that you will be getting -- excuse  
18 me. You state, "I will also be getting you copy  
19 of our self-study." Is it your testimony today  
20 that there was some sort of previous  
21 communication from Kathy in writing requesting  
22 ACE's self study?

23 A. As I previously said, I don't recall if  
24 it is in writing or on the telephone. And it



1 might have been through somebody, too. So Kathy  
2 might have communicated to Keith and then Keith  
3 communicated to me.

4 Q. If it went through a channel, it would  
5 have been either through Keith or Kyle?

6 A. Well, Kyle usually didn't -- Kyle  
7 usually communicated with Keith, not me on this,  
8 on issues like these. Keith was taking the --  
9 he was taking the lead in all of this  
10 communications and then brought things to me as  
11 they came up.

12 Q. This email is dated May 5th, 2014.  
13 Mr. Bump, do you recall when -- well, did ACE  
14 ultimately send COD ACE's self-study?

15 A. Yes.

16 Q. Do you recall when ACE sent COD the  
17 self-study?

18 A. Some time after May 20th.

19 Q. May 5th you mean?

20 A. No. On the email, it says I'll check,  
21 but it had or maybe that was related to  
22 something else. Hold on. Oh. Yeah. My staff  
23 was too busy to do this for me, so I was going  
24 to have to do it; but I had things to do in the



1 meantime like go to this conference in Houston.  
2 So it says I'll get to it around May 20th, at  
3 the very end.

4 Q. And do you recall sending or becoming  
5 aware that ACE had sent the ACE self-study to  
6 the College of DuPage on or around May 20th?

7 A. I would have done it myself, I think.

8 Q. Okay. Do you remember sending ACE's  
9 self-study to the College of DuPage?

10 A. Yeah.

11 Q. How was the self-study transmitted to  
12 the College of DuPage?

13 A. As I expressed in the email, I was  
14 going to have to break it up into several things  
15 to email it. I don't know if it -- I don't  
16 remember if that's exactly how it turned out  
17 that I did. I either mailed it or I did this.

18 Q. Do you recall if you downloaded the ACE  
19 self-study on to a thumb drive and sent a thumb  
20 drive to Kathy Cabai?

21 A. I'm sorry. I don't recall. I know we  
22 sent it. They got it.

23 Q. But you don't know when it was sent?

24 A. Not specifically.



1 Q. Do you know if it was sent during the  
2 summer of 2014?

3 A. Some time after May. May 20th.

4 Q. Could the --

5 A. I'm assuming, if I'm a man of my word,  
6 that it would be close to after, after that.

7 Q. All right. Going back up to the top of  
8 this email, there is two attachments, it  
9 appears, the ACE/COD consortium agreement and  
10 the ACE/COD non-disclosure agreement. Do you  
11 see that?

12 A. Yes.

13 Q. All right. Has this May 5th, 2014  
14 ACE/COD consortium agreement been produced in  
15 this litigation to the best of your knowledge?

16 A. I don't know if that specific thing has  
17 been produced. I know we produced the  
18 consortium agreements.

19 MR. DAVIS: You mean this one that I  
20 presented as Exhibit K in my exhibit?

21 MR. ROCHE: Is that the one Bates  
22 stamped ACE1100 to --

23 MR. DAVIS: I don't have -- for some  
24 reason, I don't have Bates stamps on this. It



1 is Exhibit K in my -- it was Exhibit K in my  
2 exhibit.

3 THE WITNESS: The one that I signed.

4 MR. DAVIS: Signed by Dan Bump.

5 THE WITNESS: And what's it have for the  
6 price?

7 MR. DAVIS: It is dated May 5th, 2013.

8 If you recall, it was a mistake. We talked  
9 about it.

10 THE WITNESS: It should have been 14.

11 MR. DAVIS: It should have been 14.

12 THE WITNESS: It looks like 3,680 was  
13 the final.

14 (Whereupon, Bump Deposition  
15 Exhibit No. 32 was marked for  
16 identification.)

17 THE WITNESS: I don't know where I got  
18 32.

19 BY MR. ROCHE:

20 Q. I will show you what has been marked as  
21 Exhibit 32 to your deposition, Mr. Bump. Is  
22 this a consortium agreement to the best of your  
23 recollection that was e-mailed to Kathy Cabai on  
24 May 5th, 2014?



1 A. Yes.

2 Q. All right. Let me just ask some  
3 questions on the non-disclosure agreement that  
4 was also appended to that email.

5 A. It is not on here.

6 MR. DAVIS: I sent him a copy of all the  
7 curriculums.

8 MR. ROCHE: So we has the COD's  
9 curriculum.

10 MR. DAVIS: He has COD's, he has AST's,  
11 he has ACE's. He has every curriculum.

12 (Whereupon, Bump Deposition  
13 Exhibit No. 33 was marked for  
14 identification.)

15 BY MR. ROCHE:

16 Q. Exhibit 33, this is a non-disclosure  
17 agreement of ACE. Mr. Bump, is this the  
18 non-disclosure agreement that was sent to Kathy  
19 Cabai on May 5th, 2014?

20 A. Yes.

21 Q. Was this the first time to the best of  
22 your recollection that a non-disclosure  
23 agreement from ACE had been sent to the College  
24 of DuPage?



1           A. My understanding is we already talked  
2 about a time when the books were to be  
3 delivered, that there is non-disclosure  
4 agreement to be delivered as well. That seems  
5 to be my first recollection. I don't know was  
6 it actually delivered in real life, but that's  
7 when it was proposed to be delivered.

8           Q. And that was proposed to be delivered  
9 when Kyle and Keith attended the advisory  
10 committee meeting in March 2014?

11          A. No. It was when Kyle was to deliver  
12 the books. I don't believe we were at that.  
13 And he was also supposed to deliver a  
14 non-disclosure agreement and some other document  
15 that we had talked about. Oh, non-compete.

16          Q. Do you know if Kyle delivered in March  
17 2014 the textbooks, the non-NDA and the  
18 non-compete to COD?

19          A. I believe he did deliver the textbooks.  
20 I got confirmation on that. I didn't get  
21 confirmation on the other documents.

22          Q. Is the non-compete agreement that may  
23 have been given to Kathy Cabai, is that the same  
24 agreement as the one that is Exhibit 33, the



1 non-disclosure agreement?

2 A. In that email, it made them seem like  
3 two separate documents. That was the first I  
4 ever heard of a non-compete document. So that  
5 was the first time it was ever brought to my  
6 attention that we were even considering  
7 delivering that document to them.

8 Q. Do you recall ever?

9 A. I have never seen it.

10 Q. That was going to be my question.

11 Because I don't believe a non-compete agreement  
12 has been produced in this litigation.

13 A. So either they don't remember it or we  
14 didn't do it.

15 Q. Okay. The non-disclosure agreement,  
16 the NDA, has an agreement like this -- strike  
17 that.

18 Was it ACE's custom and practice to  
19 provide a non-disclosure agreement to  
20 prospective partners entering into consortiums  
21 in 2013 and 2014?

22 A. Well, since we never entered into a  
23 consortium agreement, that was not a common  
24 practice with us; however, and in fact, the



1 non-disclosure agreement was kind of a  
2 recommendation by Kyle that we do that.

3 Q. Had ACE ever tendered a non-disclosure  
4 agreement to any non-ACE-related entity prior to  
5 2013 relating to ACE provided's confidential  
6 information?

7 A. No.

8 Q. Do you know if ACE -- or excuse me.  
9 Yeah. Strike that.

10 Do you know if ACE ever signed this  
11 non-disclosure agreement?

12 A. No. I don't recall ever signing one.

13 Q. Do you recall if the College of DuPage  
14 ever signed this non-disclosure agreement?

15 A. No. I don't believe they did.

16 Q. Do you recall reviewing this  
17 non-disclosure agreement before it was sent to  
18 the College of DuPage?

19 A. Yes.

20 Q. If I direct your attention to the first  
21 whereas clause on the first page of this  
22 agreement, Bates stamped ACE1105, it states,  
23 "whereas, ACE has created curriculum and other  
24 materials." And then there is a parenthetical,



1 "curriculum for the purpose of presenting the  
2 ACE surgical assistant program at the college  
3 which contains certain confidential and  
4 proprietary information."

5 My question is: What other materials  
6 is ACE referring to in this whereas clause?

7 A. Where it says other materials?

8 Q. Yes.

9 A. Just materials related to the four  
10 items that were on there before. The  
11 curriculum, the self-study. I can't remember.

12 Q. Budgetary information?

13 A. Yeah. All of that.

14 Q. Is there any reference in this  
15 agreement to the information and materials that  
16 would be provided at the skills lab?

17 A. I don't believe so.

18 Q. Why wasn't that included?

19 A. I don't know. It could have been the  
20 other materials. We were basically seeing  
21 everything we had to offer as other materials  
22 that might contain proprietary and confidential  
23 information.

24 Q. There was some information that ACE



1 provided the College of DuPage that was not  
2 confidential and proprietary to ACE; is that  
3 right?

4 A. I don't know what that would be.

5 Q. The second page, paragraph 4. It  
6 states that, "the obligations of paragraph 3  
7 which is the restrictions on the use of  
8 confidential information shall not apply,  
9 however, to any information which is already in  
10 the public domain at the time of disclosure."

11 Are you aware, Mr. Bump, that as of May  
12 5th, 2014, ACE's curriculum had been sent to the  
13 Illinois Community College Board?

14 A. Is that the board where they had to  
15 send it to, to get state approval?

16 Q. Yes.

17 A. I was aware that it happened. I don't  
18 know what date it was.

19 Q. Do you recall if the date you were made  
20 aware that it happened was before May 5, 2014?

21 A. I believe it was.

22 Q. Is this non-disclosure agreement, was  
23 this ever given to employees of ACE?

24 MR. DAVIS: It is asked and answered.



1 BY MR. ROCHE:

2 Q. As a condition of their employment?

3 A. No.

4 MR. DAVIS: Asked and answered.

5 BY MR. ROCHE:

6 Q. Has ACE ever entered into a  
7 non-disclosure agreement with any non --

8 MR. DAVIS: Asked and answered.

9 BY MR. ROCHE:

10 Q. -- non-ACE-related entity?

11 MR. DAVIS: Asked and answered. Go  
12 ahead.

13 THE WITNESS: No.

14 MR. ROCHE: All right. I think we're  
15 done for today.

16 (Whereupon, further proceedings  
17 were adjourned to 4/5/17 to the  
18 time of 10:00 a.m.)

19

20

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23

24



1 STATE OF ILLINOIS )

2 ) SS:

3 COUNTY OF IROQUOIS )

4 I, GINA CALLAHAN, a notary public within and  
5 for the County of Iroquois and State of  
6 Illinois, do hereby certify that heretofore,  
7 to-wit, on the 4th day of April, 2017,  
8 personally appeared before me, at 180 North  
9 Stetson Avenue, Chicago, Illinois, DANIEL BUMP,  
10 in a cause now pending and undetermined in the  
11 Circuit Court of Cook County, Illinois, wherein  
12 AMERICAN CENTER FOR EXCELLENCE IN SURGICAL  
13 ASSISTING INC. is the Plaintiff, and COMMUNITY  
14 COLLEGE DISTRICT 502, COLLEGE OF DUPAGE, DR.  
15 THOMAS CAMERON, DR. KAREN M. SOLT, and DR. KATHY  
16 CABAI are the Defendants.

17 I further certify that the said witness was  
18 first duly sworn to testify the truth, the whole  
19 truth and nothing but the truth in the cause  
20 aforesaid; that the testimony then given by said  
21 witness was reported stenographically by me in  
22 the presence of the said witness, and afterwards  
23 reduced to typewriting by Computer-Aided  
24 Transcription, and the foregoing is a true and



1 correct transcript of the testimony so given by  
2 said witness as aforesaid.

3 I further certify that the signature to the  
4 foregoing deposition was waived by counsel for  
5 the respective parties.

6 I further certify that the taking of this  
7 deposition was pursuant to Notice, and that  
8 there were present at the deposition the  
9 attorneys hereinbefore mentioned.

10 I further certify that I am not counsel for  
11 nor in any way related to the parties to this  
12 suit, nor am I in any way interested in the  
13 outcome thereof.

14 IN TESTIMONY WHEREOF: I have hereunto set my  
15 hand and affixed my notarial seal this 17th day  
16 of April, 2017.

17  
18  
19 Vivian Callahan  
20

21 NOTARY PUBLIC, IROQUOIS COUNTY, ILLINOIS  
22  
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